

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

TWENTY-SEVENTH SESSION OF THE LEGISLATURE,

1887.

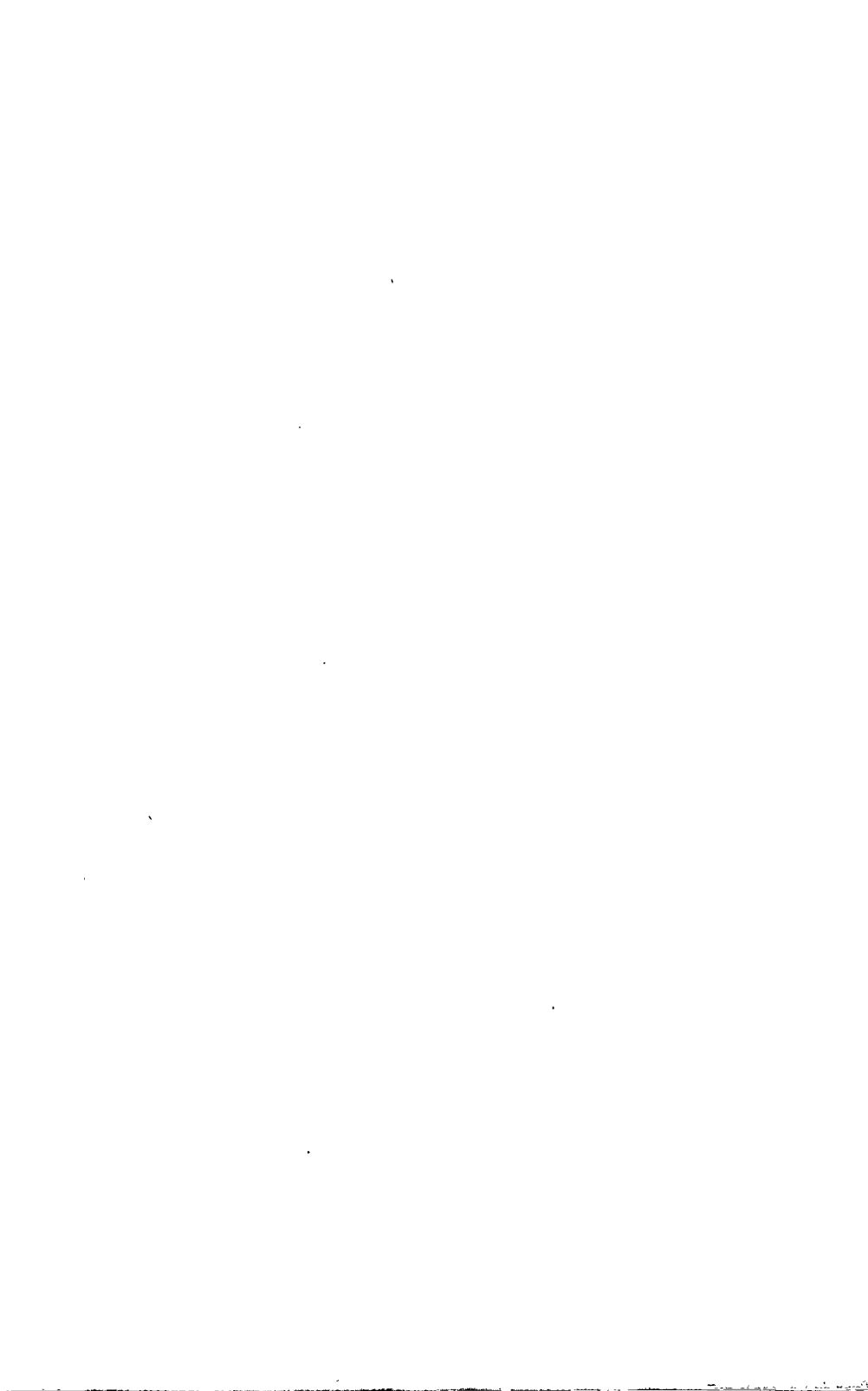
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134	An Act to amend an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as Section 2696, relating to proceedings for procuring land for the purpose of raising the banks of streams, in order to more effectually protect public roads and highways—approved March 15, 1887	A. B. 227	150
135	An Act to add a new section, to be numbered 425, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to increasing police force of State Capitol grounds—approved March 15, 1887	A. B. 329	151
136	An Act to amend Section 3713 of the Political Code, relating to levy of taxes—approved March 15, 1887	A. B. 561	151
137	An Act to amend Sections 1183, 1184, 1187, 1191, and to repeal Section 1203 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, all relating to liens of mechanics and others—approved March 15, 1887	A. B. 565	152
138	An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year—approved March 15, 1887	S. B. 207	155

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139	An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year—approved March 15, 1887	S. B. 357	156
140	An Act to appropriate money to meet the deficiency in the appropriation for the costs and expenses of suits where the State is a party in interest, for the thirty-fifth fiscal year, to pay the claim of William Applegarth—approved March 15, 1887	A. B. 61	156
141	An Act to amend Section 3768 of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held—approved March 15, 1887	A. B. 118	157
142	An Act to provide for the payment of the expenses incurred in fitting up and furnishing the chambers of the Supreme Court Commissioners—approved March 15, 1887	A. B. 261	157
143	An Act to provide for the deficiency in the appropriation the expenses of the Supreme Court, under Section 47 of the Code of Civil Procedure, for the thirty-seventh fiscal year—approved March 15, 1887	A. B. 351	158
144	An Act to provide for the deficiency in the appropriation for the cleaning and transportation of arms for the National Guard of California, for the thirty-fourth fiscal year—approved March 15, 1887	A. B. 356	158
145	An Act to provide for the deficiency in the appropriation the contingent expenses in the office of the Secretary of State, for the thirty-sixth fiscal year—approved March 15, 1887	A. B. 361	158
146	An Act to provide for the deficiency in the appropriation for the contingent expenses of the office of the Surveyor-General, for the thirty-seventh fiscal year—approved March 15, 1887	A. B. 366	159
147	An Act to provide for the deficiency in the appropriation for traveling expenses of the Attorney-General, for the thirty-fifth fiscal year—approved March 15, 1887	A. B. 369	159
148	An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home—approved March 17, 1887	S. B. 192	160
149	An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year—approved March 17, 1887	S. B. 310	167
150	An Act to add two new sections to the Political Code, to be known and numbered as Sections 3200 and 3201, relating to trademarks, the use and adoption of the same, and the person who and the manner by which said trademark and the rights thereunder may be protected—approved March 17, 1887	S. B. 343	167
151	An Act to amend Section 3 and to repeal Section 4 of an Act entitled "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, in relation to the time when the provisions of said Act shall go into effect, as to all the counties named therein—approved March 17, 1887	A. B. 22	168

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153	An Act to add a new section to the Political Code, to be numbered Section 3235, relating to the furnishing of supplies under contract to all public institutions under the control of the State, or of any county, city and county, city, or town thereof—approved March 17, 1887.....	A. B. 550.....	171
154	An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-sixth fiscal year—approved March 17, 1887.....	A. B. 257.....	171
155	An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Adjutant-General, for the thirty-fifth fiscal year—approved March 17, 1887.....	A. B. 358.....	172
156	An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-fifth fiscal year—approved March 17, 1887.....	A. B. 359.....	172
157	An Act to provide for the deficiency in the appropriation the traveling expenses of the Attorney-General and the Surveyor-General, in contests between the State and the United States, for the thirty-fifth fiscal year—approved March 17, 1887.....	A. B. 367.....	172
158	An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-seventh fiscal year—approved March 17, 1887.....	A. B. 370.....	173
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160	An Act to provide for the deficiency in the appropriation for the transportation of prisoners for the thirty-fifth fiscal year—approved March 17, 1887.....	A. B. 372.....	174
161	An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-seventh fiscal year—approved March 17, 1887.....	A. B. 378.....	174
162	An Act to provide for the deficiency in the appropriation for the payment of rewards for arresting criminals without the limits of the State, for the thirty-fifth fiscal year—approved March 17, 1887.....	A. B. 379.....	174
163	An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-sixth fiscal year—approved March 17, 1887.....	A. B. 380.....	175
164	An Act appropriating the sum of twenty-eight thousand five hundred dollars, for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California—approved March 17, 1887.....	S. B. 191.....	175
165	An Act to appropriate money for the preservation and improvement of Yosemite Valley and the Mariposa Big Tree Grove—approved March 17, 1887.....	S. B. 312.....	176
166	An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year—approved March 17, 1887.....	S. B. 422.....	176

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168	An Act to pay the officers and men of the Second Brigade, National Guard of California, for guard duty performed by them in obedience to the orders of the Governor and Commander-in-Chief, from December nineteenth, eighteen hundred and eighty-six, to January thirty-first, eighteen hundred and eighty-seven, both days inclusive—approved March 17, 1887.....	S. B. 450.....	177
169	An Act to amend Sections 17, 25, 66, 164, 165, 166, 167, 168, 172, 175, 178, 179, 180, 181, 186, 187, 190, 191, 192, 193, 203, 211, and 218 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 13, 1885, and to insert a new section therein, to be numbered 110 $\frac{1}{2}$, relating to the government of counties—approved March 17, 1887.....	A. B. 323.....	178
170	An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years—approved March 18, 1887.....	A. B. 459.....	209
171	An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers, for the thirty-fourth fiscal year—approved March 21, 1887.....	A. B. 234.....	219
172	An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-seventh fiscal year—approved March 21, 1887.....	A. B. 260.....	219
173	An Act to provide for the deficiency in the appropriation for contingent expenses in the office of Surveyor-General, for the thirty-sixth fiscal year—approved March 21, 1887.....	A. B. 355.....	219
174	An Act to provide for the deficiency in the appropriation for postage, expressage, etc., of the Surveyor-General, for the thirty-fifth fiscal year—approved March 21, 1887.....	A. B. 357.....	220
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177	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 739, relating to salaries of officers connected with the Supreme Court—approved March 21, 1887.....	S. B. 54.....	221
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180	An Act to regulate the vocation of fishing and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California—approved March 21, 1887.....	S. B. 162.....	233

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182	An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company—approved March 21, 1887	S. B. 425	235
183	An Act to amend Section 1127 of the Political Code of the State of California, relating to the establishing of election precincts—approved March 23, 1887	A. B. 88	235
184	An Act to pay the claim of J. W. Rock, for the construction of a steam launch—approved March 23, 1887	S. B. 347	236
185	An Act to amend Sections 626, 631, and 636 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game—approved March 24, 1887	A. B. 124	236
186	An Act to amend Sections 3452, 3453, and 3454 of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation, in reclamation districts of this State—approved March 24, 1887	A. B. 348	238
187	An Act making appropriations for the purchase of additional jute machinery and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto—approved March 24, 1887	S. B. 187	240
188	An Act relating to the dissolution and modification of injunctions, and amending Sections 530 and 532 of the Code of Civil Procedure—approved March 24, 1887	A. B. 521	240
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LIST OF OFFICERS.

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STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Washington Bartlett	Governor	San Francisco.
R. W. Waterman	Lieutenant-Governor	San Bernardino.
Wm. C. Hendricks	Secretary of State	Cherokee.
John P. Dunn	Controller	San Francisco.
Adam Herold	State Treasurer	Gilroy.
Geo. A. Johnson	Attorney-General	Santa Rosa.
Theodore Reichert	Surveyor-General	San Francisco.
Ira G. Hoitt	Superintendent of Public Instruction	San Francisco.
Geo. B. Cosby	Adjutant-General	Sacramento.
P. L. Shoaff	Superintendent of State Printing	Alameda.
T. H. Wallis	State Librarian	Sacramento.
Columbus Bartlett	Private Secretary to Governor	San Francisco.

JUSTICES OF THE SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
.....	Chief Justice .....	.....
E. W. McKinstry	Associate Justice	San Francisco.
J. D. Thornton	Associate Justice	San Francisco.
A. Van R. Paterson	Associate Justice	Stockton.
T. B. McFarland	Associate Justice	Sacramento.
Jackson Temple	Associate Justice	Santa Rosa.
J. R. Sharpstein	Associate Justice	San Francisco.
J. D. Spencer	Clerk	Stanislaus.

MEMBERS OF THE SENATE.

DISTRICT.	NAME.	COUNTY.
First	John P. Haynes	Humboldt and Del Norte.
Second	J. M. Briceland	Trinity, Siskiyou, and Shasta.
Third	W. H. Patterson	Modoc, Lassen, Plumas, and Sierra.
Fourth	Albert F. Jones	Butte.
Fifth	A. Walrath	Nevada.
Sixth	A. Yell	Mendocino and Lake.
Seventh	A. P. Hall	Placer and El Dorado.
Eighth	John Boggs	Colusa and Tehama.
Ninth	H. C. Gesford	Yolo and Napa.
Tenth	E. C. Hinshaw	Sonoma.
Eleventh	James McCudden	Solano.
Twelfth	A. L. Chandler	Yuba and Sutter.
Thirteenth	F. R. Dray	Sacramento.
Fourteenth	A. Caminetti	Amador and Calaveras.
Fifteenth	J. P. Abbott	Marin and Contra Costa.
Sixteenth	F. J. Moffitt	Alameda.
Seventeenth	Henry Vrooman	Alameda.
Eighteenth	M. W. Dixon	Alameda.
Nineteenth	John Lenahan	San Francisco.
Twentieth	Thos. J. Pinder	San Francisco.
Twenty-first	J. J. Sullivan	San Francisco.
Twenty-second	J. N. E. Wilson	San Francisco.
Twenty-third	P. J. Crimmins	San Francisco.
Twenty-fourth	P. J. Murphy	San Francisco.
Twenty-fifth	D. J. McCarthy	San Francisco.
Twenty-sixth	T. H. McDonald	San Francisco.
Twenty-seventh	T. J. Clunie	San Francisco.
Twenty-eighth	L. Spellacy	San Francisco.
Twenty-ninth	B. F. Langford	San Joaquin.
Thirtieth	A. J. Meany	Merced, Stanislaus, and Tuolumne.
Thirty-first	A. W. Crandall	Santa Clara.
Thirty-second	E. B. Conklin	Santa Clara.
Thirty-third	J. D. Byrnes	San Mateo and Santa Cruz.
Thirty-fourth	Geo. G. Goucher	Alpine, Mariposa, Mono, and Fresno.
Thirty-fifth	B. V. Sargent	Monterey and San Benito.
Thirty-sixth	John Roth	Tulare and Kern.
Thirty-seventh	George Steele	San Luis Obispo, Santa Barbara, and Ventura.
Thirty-eighth	S. M. White	Los Angeles.
Thirty-ninth	L. J. Rose	Los Angeles.
Fortieth	W. W. Bowers	San Bernardino and San Diego.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
R. W. Waterman	President.
Stephen M. White	President pro tem.
Edward H. Hamilton	Secretary.
John W. Wilcox	Sergeant-at-Arms.
Thomas Coleman	Assistant Sergeant-at-Arms.
W. F. Henstis	Minute Clerk.
John F. Meagher	Journal Clerk.
Thomas W. O'Neil	Enrolling Clerk.
M. S. Brace	Engrossing Clerk.
Miss Hattie E. Dixon	Postmistress.

MEMBERS OF THE ASSEMBLY.

DISTRICT.	NAME.	COUNTY.
First	R. H. Campbell	Del Norte and Siskiyou.
Second	George Williams	Humboldt.
Third	J. F. McGowan	Humboldt.
Fourth	T. W. H. Shanahan	Trinity and Shasta.
Fifth	W. D. Morris	Modoc and Lassen.
Sixth	R. H. F. Variel	Plumas and Sierra.
Seventh	W. P. Mathews	Tehama.
Eighth	Allen Henry	Butte.
Ninth	L. C. Granger	Butte.
Tenth	T. J. Hart	Colusa.
Eleventh	Philo Handy	Mendocino.
Twelfth	L. H. Gruwell	Lake.
Thirteenth	George Ohleyer	Sutter and Yuba.
Fourteenth	Josiah Sims	Nevada.
Fifteenth	John I. Sykes	Nevada.
Sixteenth	John Davis	Placer.
Seventeenth	Henry Mahler	El Dorado.
Eighteenth	H. W. Carroll	Sacramento.
Nineteenth	L. S. Taylor	Sacramento.
Twentieth	Seymour Carr	Sacramento.
Twenty-first	L. B. Adams	Yolo.
Twenty-second	F. L. Coombs	Napa.
Twenty-third	G. W. Morgan	Sonoma.
Twenty-fourth	W. J. Hotchkiss	Sonoma.
Twenty-fifth	Jas. McDonnell, Jr.	Sonoma.
Twenty-sixth	Frank O'Grady	Solano.
Twenty-seventh	Robert J. Currey	Solano.
Twenty-eighth	J. W. Atherton	Marin.
Twenty-ninth	James B. Brown	San Francisco.
Thirtieth	Jos. Burnett	San Francisco.
Thirty-first	Edwin Lewis	San Francisco.
Thirty-second	A. M. Lawrence	San Francisco.
Thirty-third	J. J. Callaghan	San Francisco.
Thirty-fourth	Michael H. Barry	San Francisco.
Thirty-fifth	J. H. Colbert	San Francisco.
Thirty-sixth	C. Forest Curry	San Francisco.
Thirty-seventh	Thomas M. Searey	San Francisco.
Thirty-eighth	Daniel S. Regan	San Francisco.
Thirty-ninth	James E. Britt	San Francisco.
Fortieth	Andrew J. Martin	San Francisco.
Forty-first	Henry R. Mann	San Francisco.
Forty-second	John LaBlanc	San Francisco.
Forty-third	Luther L. Ewing	San Francisco.
Forty-fourth	Richard Cohen	San Francisco.
Forty-fifth	William A. Brown	San Francisco.
Forty-sixth	Hugh Toner	San Francisco.
Forty-seventh	Thomas Mitchell	San Francisco.
Forty-eighth	Joseph Windrow	San Francisco.
Forty-ninth	W. Z. Price	San Mateo.
Fiftieth	Jesse Cope	Santa Cruz.
Fifty-first	Hiram Bailey	Alameda.
Fifty-second	John Ellsworth	Alameda.
Fifty-third	M. D. Hyde	Alameda.
Fifty-fourth	F. M. Cooley	Alameda.
Fifty-fifth	W. H. Jordan	Alameda.
Fifty-sixth	C. O. Alexander	Alameda.
Fifty-seventh	D. N. Sherburne	Contra Costa.
Fifty-eighth	J. D. Young	San Joaquin.
Fifty-ninth	J. R. Henry	San Joaquin.
Sixtieth	J. C. Brusie	Amador.
Sixty-first	F. W. McClenahan	Calaveras.
Sixty-second	Edward Smyth	Tuolumne.
Sixty-third	I. A. Wilcox	Santa Clara.
Sixty-fourth	C. M. Weber	Santa Clara.
Sixty-fifth	Samuel Rucker	Santa Clara.
Sixty-sixth	C. C. Wright	Stanislaus.
Sixty-seventh	J. W. Bost	Merced and Mariposa.

LIST OF OFFICERS.

MEMBERS OF THE ASSEMBLY—Continued.

DISTRICT.	NAME.	COUNTY.
Sixty-eighth	J. H. Matthews	San Benito.
Sixty-ninth	Thomas Renison	Monterey.
Seventieth	J. P. Vincent	Fresno.
Seventy-first	A. B. Butler	Tulare.
Seventy-second	A. J. Gould	Alpine, Mono, and Inyo.
Seventy-third	McD. R. Venable	San Luis Obispo.
Seventy-fourth	Russel Heath	Santa Barbara.
Seventy-fifth	J. Marion Brooks	Kern and Ventura.
Seventy-sixth	J. R. Brierly	Los Angeles.
Seventy-seventh	G. W. Knox	Los Angeles.
Seventy-eighth	W. H. Spurgeon	Los Angeles.
Seventy-ninth	Hiram M. Barton	San Bernardino.
Eightieth	Nestor A. Young	San Diego.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
William H. Jordan	Speaker.
J. R. Brierly	Speaker pro tem.
Frank D. Ryan	Chief Clerk.
Ed. J. Smith	Assistant Clerk.
F. W. Marston	Assistant Clerk.
F. J. Brandon	Assistant Clerk.
P. R. Klein	Sergeant-at-Arms.
W. H. H. Hussey	Assistant Sergeant-at-Arms.
Guy H. Salisbury	Minute Clerk.
Ray G. Falk	Assistant Minute Clerk.
Albert Hart	Journal Clerk.
A. F. Chapman	Assistant Journal Clerk.
Jacob Shaen	Engrossing Clerk.
Mrs. C. E. Levy	Postmistress.
Rev. Dr. Dille	Chaplain.

COMMISSIONERS OF DEEDS.

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

ARIZONA.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 14, 1883	William R. Morris	Phoenix .....	..... June 13, 1883.
December 23, 1883	Chas. H. Tully	Tucson .....	..... March 20, 1884.
September 1, 1885	Geo. L. Hood	Logan City .....	..... September 17, 1885.

CONNECTICUT.

March 19, 1884	C. B. Mathewman	New Haven .....	..... May 10, 1884.
July 2, 1884	A. H. Robinson	New Haven July 30, 1884.

COLORADO.

August 29, 1883	D. 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.
July 20, 1886	C. S. Bundy	Washington .....	..... August 16, 1886.
September 11, 1886	A. S. Taylor	Washington .....	..... October 11, 1886.

GEORGIA.

April 10, 1883	J. W. Burroughs	Savannah .....	..... May 7, 1883.
October 23, 1886	W. B. Adams	Savannah .....	..... November 16, 1886.

ILLINOIS.

October 8, 1884	S. W. King	Chicago .....	..... October 22, 1884.
August 13, 1885	F. A. Hoyne	Chicago .....	..... August 27, 1885.
December 18, 1885	S. S. Willard	Chicago .....	..... January 2, 1886.

LOUISIANA.

January 15, 1885	G. A. Hero	New Orleans .....	..... February 18, 1885.
April 20, 1886	J. G. Eustis	New Orleans .....	..... May 1, 1886.
April 20, 1886	M. C. Soniat	New Orleans .....	..... May 10, 1886.

MARYLAND.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
September 4, 1884 ..	M. Hanson	Baltimore	September 24, 1884.
March 5, 1886	P. H. Hoffman	Baltimore	April 7, 1886.
July 2, 1886	G. E. Reardon	Baltimore	July 27, 1886.

MASSACHUSETTS.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
December 26, 1883 ..	E. J. Jones	Boston	January 10, 1884.
February 23, 1884 ..	H. M. Meek	Boston	March 11, 1884.
January 13, 1885	D. B. Whittier	Boston	July 17, 1885.
January 13, 1885	J. H. Hill	Boston	February 3, 1885.
March 5, 1886	S. Jennison	Boston	March 24, 1886.
January 28, 1887	C. H. Adams	Boston	February 18, 1887.

MISSOURI.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 29, 1883	M. Renshaw	St. Louis	October 1, 1883.
October 13, 1885	F. Nohl	St. Louis	October 28, 1885.
October 22, 1886	C. D. Green, Jr.	St. Louis	November 23, 1886.

NEW JERSEY.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
December 9, 1886	W. J. Kearns	Newark	January 7, 1887.

NEW YORK.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 10, 1883	C. Nettleton	New York	April 24, 1883.
April 27, 1883	J. B. Braman	New York	May 21, 1883.
April 27, 1883	H. Miller	New York	May 21, 1883.
April 27, 1883	J. L. Bright	New York	July 3, 1883.
January 28, 1883	W. H. Clarkson	New York	July 14, 1883.
January 28, 1883	C. H. Phelps	New York	September 22, 1883.
August 29, 1883	J. DuBois	New York	September 13, 1883.
August 29, 1883	J. S. Bosworth, Jr.	New York	September 29, 1883.
October 18, 1883	C. E. Mills	New York	November 1, 1883.
October 18, 1883	E. Jackson	New York	November 3, 1883.
October 6, 1883	W. F. Leit	New York	December 18, 1883.
December 23, 1883	J. B. Nones	New York	January 15, 1884.
February 23, 1884	S. B. Goodale	New York	March 14, 1884.
February 23, 1884	H. C. Banks	New York	March 12, 1884.
February 23, 1884	F. A. Burnham	New York	March 10, 1884.
February 23, 1884	C. T. Lunt	New York	March 10, 1884.
May 9, 1884	H. A. Robinson	New York	May 31, 1884.
July 2, 1884	M. B. Maclay	New York	July 15, 1884.
July 2, 1884	T. Kilvert	New York	July 18, 1884.
July 2, 1884	A. H. Osborn	Brooklyn	December 2, 1884.
January 13, 1885	M. Meagher	New York	December 24, 1886.
April 7, 1885	B. K. McHarg	New York	April 22, 1885.
June 29, 1885	V. Rosemon	New York	July 15, 1885.
October 13, 1885	E. F. Corey	New York	October 28, 1885.
December 18, 1885	F. S. Belknap	New York	February 16, 1886.
October 13, 1885	C. Taylor	New York	April 2, 1886.
April 20, 1886	S. D. Folsom	New York	June 1, 1886.
April 20, 1886	S. A. Emanuel	New York	May 26, 1886.
April 20, 1886	M. Crammel	Albany	May 7, 1886.
April 20, 1886	J. A. Hillery	New York	May 3, 1886.
June 10, 1886	T. B. Clifford	New York	July 7, 1886.
February 2, 1887	S. C. Doty	New York	February 18, 1886.

COMMISSIONERS OF DEEDS.

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NORTH CAROLINA.

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

NEVADA.

November 22, 1883	T. E. Haydon	Reno	December 11, 1883.
November 22, 1883	S. A. Knapp	Hawthorne	November 30, 1883.
October 23, 1884	C. E. Mack	Virginia City	October 27, 1884.
October 27, 1884	P. E. Shannon	Virginia City	November 12, 1884.
July 17, 1886	T. E. Haydon	Reno	August 2, 1886.

NEW MEXICO.

September 5, 1883	E. C. Wade	Los Cruces	September 18, 1883.
January 13, 1885	K. A. Snyder	Albuquerque	July 30, 1885.

OHIO.

July 14, 1886	S. S. Carpenter	Cincinnati	July 27, 1886.
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OREGON.

August 29, 1883	F. J. Botsford	Portland	November 6, 1883.
January 13, 1885	T. B. White	Portland	February 3, 1885.
April 6, 1885	C. H. Hewitt	Portland	April 18, 1885.

PENNSYLVANIA.

April 27, 1883	K. P. Tener	Philadelphia	May 14, 1883.
August 29, 1883	D. E. Davis	Pittsburgh	November 8, 1883.
February 23, 1884	E. Shippen	Philadelphia	April 7, 1884.
February 23, 1884	O. Eagan	Philadelphia	March 18, 1884.
October 8, 1884	W. F. Robb	Pittsburgh	October 24, 1884.
October 23, 1884	E. H. Cloud	Philadelphia	November 14, 1884.
March 5, 1885	S. L. Taylor	Philadelphia	April 1, 1886.

RHODE ISLAND.

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

TEXAS.

June 28, 1883	J. D. Stevenson	San Antonio	July 13, 1883.
July 13, 1883	S. W. Boring	El Paso	August 14, 1883.

COMMISSIONERS OF DEEDS.

UTAH.

DATE OF COMMISSION.	NAME.	RESIDENCE.	DATE OF FILING OATH.
January 13, 1885	C. Diehl	Salt Lake	January 26, 1885.

WASHINGTON TERRITORY.

April 10, 1883	F. E. Eldredge	New Tacoma	July 15, 1883.
April 6, 1885	T. H. Cann	Seattle	April 20, 1885.
December 9, 1886	W. M. Chandler	Sprague	December 21, 1886.
December 9, 1886	C. F. Munday	Seattle	December 30, 1886.

GREAT BRITAIN.

March 22, 1884	S. H. Peddar	London	March 31, 1884.
June 21, 1886	Wm. Grain	London	August 5, 1886.
June 26, 1886	J. A. Alsop	London	October 18, 1886.
November 12, 1886	Geo. Layton	Liverpool	February 25, 1887.
December 9, 1886	A. F. Warr	Liverpool	February 25, 1887.

MEXICO.

May 9, 1884	W. J. DeGross	Mexico	June 12, 1884.
April 15, 1885	G. E. Bateman	Lerdo	July 3, 1885.

SANDWICH ISLANDS.

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

FRANCE.

January 13, 1885	A. E. Valors	Paris	September 11, 1885.
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CANADA.

January 7, 1886	F. K. Ferrill	Quebec	August 28, 1886.
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AUSTRALIA.

February 23, 1884	L. C. R. Jones	Sydney	May 21, 1884.
January 9, 1886	S. Dowling	Sydney	January 25, 1886.

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

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

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to 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, cities and counties, townships, election or school districts.

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

Thirtieth—Changing the law of descent or succession.

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

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

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

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

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

SEC. 28. In all elections by the Legislature the members thereof shall vote 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 lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature, who shall be 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 employes 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 office 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 grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

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

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

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

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

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

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

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

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

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

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or

increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

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

SEC. 22. The State shall be divided into three districts, as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or 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 irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

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

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

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

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

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

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote at the next general election for or against a Convention for that purpose, and if a majority of the electors voting at such election on the proposition for a Convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The Convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The 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 each 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.

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS,
 JAMES J. AYERS,
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHEER,
 ISAAC S. BELCHER,
 PETER BELL,
 MARION BIGGS,
 E. T. BLACKMER,
 JOSEPH C. BROWN,
 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 RAGON,
 THOMAS H. ESTEY,
 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. REDD,
 PATRICK REDDY,
 JOHN M. RHODES,

M. M. ESTEE,
 EDWARD EWEY,
 J. A. FILCHER,
 SIMON J. FARRELL,
 ABRAHAM CLARK FREEMAN,
 JACOB RICHARD FREUD,
 J. B. GARVEY,
 B. B. GLASCOCK,
 JOSEPH C. GORMAN,
 W. P. GRACE,
 WILLIAM J. GRAVES,
 V. A. GREGG,
 JNO. S. HAGER,
 JOHN B. HALL,
 THOMAS HARRISON,
 JOEL A. HARVEY,
 T. D. HEISKELL,
 CONRAD HEROLD,
 D. W. HERRINGTON,
 S. G. HILBORN,
 J. R. W. HITCHCOCK,
 J. E. HALE,
 VOLNEY E. HOWARD,
 SAM. A. HOLMES,
 W. J. HOWARD,
 WM. PROCTOR HUGHEY,
 W. F. HUESTIS,
 G. W. HUNTER,
 DANIEL INMAN,
 GEORGE A. JOHNSON,
 L. F. JONES,
 PETER J. JOYCE,
 J. M. 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. SHAFER,
 GEO. W. SCHELL,
 J. SCHOMP,
 RUFUS SHOEMAKER,
 E. O. SMITH,
 BENJ. SHURTFLEFF,
 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.



STATUTES.



STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-SEVENTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to appropriate money to pay the contingent expenses of the Senate, for the twenty-seventh session of the Legislature.

[Approved February 5, 1887.]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the contingent expenses of the Senate, for the twenty-seventh session of the Legislature. Appropriation.

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.

CHAPTER II.

An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

[Approved February 7, 1887.]

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

SECTION 1. The number of Judges of the Superior Court of the County of Los Angeles, State of California, is hereby increased from two to four. Two additional Judges of Superior Court for Los Angeles County.

SEC. 2. Within ten days after the passage of this Act, the

Governor to
appoint.
When.

Governor shall appoint two additional Judges of the Superior Court of the County of Los Angeles, State of California, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and eighty-nine. At the next general election two Judges of the Superior Court of said county shall be elected in said county, who shall be successors of the Judges appointed hereunder, to hold office for the term prescribed by the Constitution and by law.

Salaries.

SEC. 3. The salaries of said additional Judges shall be the same in amount, and be paid at the same time and in the same manner as the salaries of the other Judges of the Superior Court of said county now authorized by law.

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

CHAPTER III.

An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor.

[Approved February 14, 1887.]

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

University of
California.
Support of,
from ad
valorem tax.

SECTION 1. There is hereby levied, annually, for each fiscal year, an "ad valorem" tax of one cent upon each one hundred dollars of value of the taxable property of the State, which tax shall be collected by the several officers charged with the collection of State taxes, in the same manner and at the same time as other State taxes are collected, upon all or any class of property, which tax is for the support of the University of California.

State Board
of Equaliza-
tion to
declare levy.

SEC. 2. The State Board of Equalization, at the time when it annually determines the rate of State taxes to be collected, must at the same time declare the levy of said rate of one cent, and notify the Auditor and Board of Supervisors of each county thereof.

Money col-
lected to be
paid into
State
Treasury.

SEC. 3. The money collected from said rate, after deducting the proportionate share of expenses of collecting the same to which other State taxes are subject, must be paid into the State Treasury, and to be by the State Treasurer converted into a separate fund, hereby created, to be called the "State University Fund."

State Univer-
sity Fund,
how appro-
priated, etc.

SEC. 4. The money paid into the said "State University Fund" is hereby appropriated, without reference to fiscal years, for the use and support of the University of California, and is exempted from the provisions of part three, title one, article eighteen, of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the Board of Examiners. When there is any money in the said fund, the same may be drawn out upon the order of the Board of Regents of the University

Money to be
drawn from
Fund by
Board of
Regents.

of California, or such officers of the Board as may be duly authorized thereto. Upon the receipt of the order, the Controller must draw his warrant upon the State Treasurer, payable to the order of the Treasurer of the University of California, out of the said "State University Fund."

SEC. 5. The money derived from said fund must be applied only to the support and permanent improvement of the University, and the Board of Regents must include in its biennial report to the Governor a statement of the manner and for what purposes the money was expended.

Money to be applied only to support, etc.

SEC. 6. This Act takes effect immediately.

CHAPTER IV.

An Act to provide for an improvement of the State Capitol, and for an appropriation to pay for the same.

[Approved February 17, 1887.]

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

SECTION 1. The Secretary of State is authorized to alter a room on the first floor of the State Capitol, to be used exclusively by ladies, and the sum of twelve hundred and forty-six and thirteen one hundredths (\$1,246 13) dollars is hereby appropriated out of the General Fund in the State Treasury to pay for the same.

Room for ladies. Cost.

SEC. 2. This Act shall take effect immediately.

CHAPTER V.

An Act to provide for a Contingent Fund for the Assembly, for the twenty-seventh session of the Legislature.

[Approved February 18, 1887.]

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 funds not otherwise appropriated, to provide a Contingent Fund for the Assembly for the twenty-seventh session of the Legislature.

Appropriation.

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

CHAPTER VI.

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

[Approved February 24, 1887.]

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

Deficiency
appropriation
State
Prison, at
Folsom.

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

SEC. 2. This Act shall take effect immediately.

CHAPTER VII.

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

[Approved February 24, 1887.]

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

Deficiency
appropriation
State
Prison, at
Folsom.

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

SEC. 2. This Act shall take effect immediately.

CHAPTER VIII.

An Act to amend section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to chattel mortgages.

[Approved February 28, 1887.]

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

SECTION 1. Section two thousand nine hundred and fifty-five of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended so as to read:

2955. Mortgages may be made upon:

- First*—Locomotives, engines, and other stock of a railroad. Amends section Civil Code relating to chattel mortgages.
- Second*—Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics.
- Third*—Steam engines and boilers.
- Fourth*—Mining machinery.
- Fifth*—Printing presses and material.
- Sixth*—Professional libraries.
- Seventh*—Instruments of surveyors, physicians, or dentists. Instruments of surveyors, etc.
- Eighth*—Upholstery and furniture used in hotels, lodging or boarding houses, when mortgaged to secure the purchase money of the articles mortgaged.
- Ninth*—Growing crops.
- Tenth*—Vessels of more than five tons burden.
- Eleventh*—Instruments, negatives, furniture, and fixtures of a photograph gallery.
- Twelfth*—The machinery, casks, pipes, tubes, and utensils used in the manufacture or storage of wine, fruit brandy, fruit syrups, or sugar; also, wines, fruit brandy, fruit syrup, or sugar, with the cooperage in which the same is contained. Machinery, etc., used in manufacture of wine, etc.
- Thirteenth*—Pianos and organs.

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

CHAPTER IX.

An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State.

[Approved February 28, 1887.]

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

SECTION 1. The costs and expenses of all trials which shall hereafter be had in any county of this State, of any person charged with having, on any of the navigable waters of this State, violated any of the provisions of any law of this State for the preservation of fish, and the costs of keeping and guarding such person, and the execution of the sentence of said person by said county, shall be borne and paid by the State. Expenses of trials of persons violating provisions of law for preservation of fish, by whom borne.

Sec. 2. Any claim against the State for costs or expenses named in this Act shall be presented to the Board of Examiners of the State, certified by the District Attorney of the county in which the trial was had, and shall be acted upon by said Board as other claims against the State are acted on, and paid in the same manner. Claims against State.

Sec. 3. This Act shall take effect immediately.

CHAPTER X.

An Act to amend "An Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association," approved March 7, 1883.

[Approved February 28, 1887.]

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

Amendment SECTION 1. Section one of "An Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association," approved March seventh, eighteen hundred and eighty-three, is amended so as to read as follows:

Appropriation. SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support and maintenance of veterans of the late Mexican and civil wars, in indigent circumstances, residing in the Veterans' Home, under the auspices of the Veterans' Home Association, a corporation duly created and existing under the laws of this State, the sum of one hundred and fifty dollars per annum for each veteran duly admitted to and residing in such Home; *provided*, that in no one year shall a sum exceeding thirty thousand dollars be paid by virtue of such appropriation.

Proviso.

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

CHAPTER XI.

An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office, for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven.

[Approved February 28, 1887.]

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

Appropriation. SECTION 1. The sum of twenty-five thousand dollars (\$25,000) 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 Printing Office, for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven.

SEC. 2. This Act shall take effect immediately.

CHAPTER XII.

An Act to appropriate the sum of ten thousand dollars for the construction of an additional cottage at the Veterans' Home, under the auspices of the Veterans' Home Association, and for the completion of the principal building already in use, and to improve the water supply of said Home.

[Approved February 28, 1887.]

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

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of ten thousand dollars, for the construction of an additional cottage at the Home of the Veterans' Home Association; for the completion of the principal building already in use there, and to improve the water supply of said Home.

Sec. 2. This Act shall take effect immediately.

CHAPTER XIII.

An Act to amend sections six hundred and one, six hundred and seven, six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and seventeen, six hundred and twenty-nine, and six hundred and thirty of the Political Code of this State, all of said sections relating to insurance.

[Approved March 4, 1887.]

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

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

601. In case any person, upon the requisition of the Commissioner, fails to make up the deficiency of the capital in accordance with the requirements of this chapter, or to comply in all respects with the laws of this State, the Commissioner must communicate the fact to the Attorney-General, who must, within twenty days after receiving such communication, commence an action in the name of the people of this State, in the Superior Court of the county where the person in question is located or has his principal office, against such person, and apply for an order requiring cause to be shown why the business should not be closed; and the Court must thereupon hear the allegations and proofs of the respective parties as in other cases. If it appears to the satisfaction of the Court that such person is insolvent, or that the interests of the public so require, the Court must decree a dissolution of such corporation, and a

Duties of
Commissioner and
Attorney-
General.

winding up of its affairs and a distribution of the effects of such person; but otherwise, the Court must enter a decree annulling the act of the Commissioner in the premises, and authorizing such person to resume business. But the Commissioner must not be held liable for damages, if he has acted in good faith. In the event of any additional losses occurring upon new risks taken after the expiration of the period limited by the Commissioner in the requisition, and before deficiency has been filled up, the Directors of any company, corporation, or association, are individually liable to the extent thereof.

Liabilities of
Commissioners.

Liabilities of
Directors.

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

File with
Commissioner.

607. The Commissioner must cause every corporation or person, before engaging in the business of insurance, to file in his office as follows:

1. If incorporated under the laws of this State, a copy of the articles of incorporation or statement of any increase or diminution of the capital stock, certified by the Secretary of State to be a copy of that which is filed in his office.

Articles of
Incorporation.

2. If incorporated under the laws of any other State or country, a copy of the articles of incorporation, if organized or formed under any law requiring articles to be filed, duly certified by the officer having the custody of such articles; or if not so organized, a copy of the law, charter, or deed of settlement under which the deed of organization is made, duly certified by the proper custodian thereof, or proved by affidavit to be a copy; also, a certificate under the hand and seal of the proper officer of such State or county having supervision of insurance business therein, that such corporation or company is organized under the laws of such State or country, with the amount of capital stock or assets required by this chapter.

Location of
principal
office.

3. If not incorporated, a certificate setting forth the nature and character of the business, the location of the principal office, the names of the persons and of those composing the association, the amount of actual capital employed or to be employed therein, and the names of all officers and persons by whom the business is or may be managed. The certificate must be verified by the affidavit of the chief officer, Secretary, agent, or manager of the association; and if there are any written articles of agreement or association, a copy thereof must accompany such certificates; *provided, however*, when the number of persons composing such association shall exceed ten, such certificate need not state the names of any greater number of persons than ten, who shall be of the largest shareholders; and if such association of persons be formed out of the United States, the said certificate need not contain the names of any officers or managers other than those resident within the United States, nor any statement of capital not employed within the United States, and the affidavit may be made by the chief executive officer or manager in the United States.

SEC. 3. Section six hundred and ten of the Political Code is amended to read as follows:

610. The Commissioner must require from every corporation or person doing the business of insurance in this State, statements verified as follows: Duties of Commissioner.

1. If it be made by a corporation organized under the laws of this State, by the oaths of the President and Secretary, or the Vice-President and Secretary thereof.

2. If it be made by an individual or firm, by the oath of such individual or a member of the firm.

3. If made by a foreign insurance company or person, by the oath of the principal executive officer thereof, or manager residing within the United States.

Sec. 4. Section six hundred and eleven of the Political Code is amended to read as follows:

611. All corporations or persons doing the business of insurance in this State must make and file with the Insurance Commissioner, on or before the fifteenth day of January of each year, a statement, verified by the oath of the principal executive officer or manager residing in this State, showing the business done in this State during the year ending the thirty-first day of December then next preceding. They shall also make and file with said Commissioner, at the times hereinafter mentioned, further statements, which must exhibit the condition and affairs of every such corporation, person, firm, or association, on the thirty-first day of December then next preceding, which statements, as adjusted by the Commissioner upon a proper examination of the same, must be published by such corporation, person, firm, or association, daily, for the period of one week, in some newspaper published in the city where the principal office in this State is located. Such statement, if made by a person, or corporation organized under the laws of this State, must be filed with the Commissioner on or before the first day of February of each year. If made by a person or persons residing in, or corporation organized under the laws of any other of the States or Territories of the United States, it must be filed on or before the tenth day of March of each year. And if made by a person, or corporation organized under the laws of any country foreign to the United States, it must be filed on or before the first day of May of each year. Statement of business done in State.

Sec. 5. Section six hundred and twelve of the Political Code is amended to read as follows:

612. Such statement, if made by fire, marine, and inland insurance companies, or by companies organized under section four hundred and twenty of the Civil Code, must show: Capital stock, etc.

First—The amount of the capital stock of the company.

Second—The property or assets held by the company, specifying:

1. The value of real estate held by said company.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying the same.

3. The amount of cash in the hands of agents, and in course of transmission.

4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there is less than one year's interest due or owing.

Capital
stock, etc.

5. The amount of loans on which interest has not been paid within one year previous to such statement.

6. The amount due the company on which judgments have been obtained.

7. The amount of stocks of this State, of the United States, or any incorporated city of this State, and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stocks.

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par value and market value.

9. The amount of interest due and unpaid.

10. The amount of all other loans made by the company, specifying the same.

11. The amount of premium notes on hand on which policies are issued.

12. All other property belonging to the company, specifying the same.

Third—The liabilities of such company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses in process of adjustment or in suspense, including all reported or supposed losses.

4. The amount of dividends declared, due and remaining unpaid.

5. The amount of dividends declared, but not due.

6. The amount of money borrowed and security given for the payment thereof.

7. Gross premium (without any deductions) received and receivable upon all unexpired fire risks running one year or less from date of policy, reinsurance thereon at fifty per cent.

8. Gross premiums (without any deductions) received and receivable upon all unexpired fire risks running more than one year from the date of policy, reinsurance thereon pro rata.

9. Gross premiums (without any deductions) received and receivable upon all unexpired marine and inland navigation risks, except time risks, reinsurance thereon at one hundred per cent.

10. Gross premiums (without any deductions) received and receivable on marine time risks, reinsurance thereon at fifty per cent.

11. Amount reclaimable by the insured on perpetual fire insurance policies, being ninety-five per cent of the premiums or deposit received.

12. Reinsurance fund and all other liabilities, except capital, under the life insurance or any other special department.

13. Unused balances of bills and notes taken in advance for premiums on open marine and inland policies, or otherwise, returnable on settlement.

14. Principal unpaid on scrip or certificates of profits, which have been authorized or ordered to be redeemed.

15. Amount of all other liabilities of the company, specifying the same.

Fourth—The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.
2. The amount of notes received for premiums.
3. The amount of interest money received, specifying the ^{Capital} same. stock, etc.
4. The amount of income received from all other sources, specifying the same.

Fifth—The expenditures of the preceding year, specifying:

1. The amount of losses paid.
2. The amount of dividends paid.
3. The amount of expenses paid, including commissions and fees to agents and officers of the company.
4. The amount paid for taxes.
5. The amount of all other payments and expenditures.

Sixth:

1. The amount of risks written during the year.
2. The amount of risks expired during the year.
3. The amount of risks written during the year in the State of California.
4. The amount of premiums thereon.

Provided, that any foreign fire, marine, or inland insurance company, incorporated or not incorporated, doing business within this State, having on deposit at any place within the United States, assets to the amount of two hundred thousand dollars over and above its liabilities in the United States, as security for the policy holders therein, may at its option make a separate statement to the Insurance Commissioner of its foreign business and assets, but shall be required to return only the business done in the United States, and the assets held by or for it within the United States for the protection of policy holders therein.

SEC. 6. Section six hundred and seventeen of the Political Code is amended to read as follows:

617. The Commissioner must collect the sum of one hundred dollars from any company or corporation engaged in the business of insurance in this State, for a failure to make and file in his office within the time prescribed by law, the statements and stipulations required by sections six hundred and ten, six hundred and eleven, six hundred and twelve, six hundred and thirteen, and six hundred and sixteen of this Code, and an additional penalty of two hundred dollars for each and every month or fractional part of a month thereafter that such company or corporation continues to transact the business of insurance until such statements and stipulations are filed; and for that purpose suits may be instituted by the Insurance Commissioner, in the name of the people of the State of California, in any Court of competent jurisdiction. And for all lawful expenses incurred under this section, or any other section of this Code, in the prosecution of any suit or proceeding for the enforcement of the insurance laws of this State, the Insurance Commissioner must present bills duly certified by him, with the vouchers, to the State Board of Examiners, who must allow the same and direct payment thereof to be made; and the Controller shall draw warrants therefor on the Treasurer for the payment of the same to the Insurance Commissioner.

Collection and disposition of penalties.

Proviso.

(in addition to the ordinary contingent expenses) out of the General Fund.

SEC. 7. Section six hundred and twenty-nine of the Political Code is amended to read as follows:

Salary of Deputy.

629. The annual salary of the Deputy of the Insurance Commissioner is eighteen hundred dollars.

SEC. 8. Section six hundred and thirty of the Political Code is amended to read as follows:

Appropriation for Commissioner's office.
Stationery, fuel, and printing.

630. The Commissioner may procure rooms for his office at a rent not to exceed seventy-five dollars per month, and may provide a suitable safe and furniture therefor; he may also provide stationery, fuel, printing, and other conveniences necessary for the transaction of the business of his office. Out of the funds paid into the State Treasury by the Insurance Commissioner, there shall be set aside and reserved each and every year the sum of two thousand dollars, as a special fund, to be called the Insurance Commissioner's Special Fund. All expenditures authorized in this section must be audited by the Board of Examiners, who must allow the same and direct payment thereof to be made; and the Controller shall draw warrants therefor on the State Treasury for the payment of the same to the Insurance Commissioner out of the said Insurance Commissioner's Special Fund.

SEC. 9. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed; and this Act shall take effect from and after its passage.

CHAPTER XIV.

An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness.

[Approved March 4, 1887.]

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

SECTION 1. Section three of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Manner of conducting elections.

Section 3. Such elections shall be conducted in accordance with the general election laws of the State, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the Great Reg-

ister thereof, and shall have resided within the limits of such proposed corporation for at least sixty days next preceding such election. The Board of Supervisors shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that a majority of the votes cast are for the incorporation, the Board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal corporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of — (naming it), and shall declare the persons receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said Board shall cause a copy of such order, duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election, to be held in such city, or town, and until their successors are elected and qualified; and it shall not be necessary in any action, civil or criminal, to plead or prove the organization or existence of such corporation, nor the passage, existence, or validity of any ordinance thereof, and Courts shall take judicial cognizance thereof without proof.

Duty of
Board of
Supervisors.

SEC. 2. Section seven hundred and sixty-eight of said Act is hereby amended, so as to read as follows:

Section 768. If, at any time, the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the Treasury applicable to the purposes for which such indebtedness is to be incurred, 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 purpose or purposes, if the question of indebtedness for more than one purpose be proposed, of the same, and the amount of money necessary to be raised annually, by taxation, for an interest and sinking fund for each purpose, as hereinafter provided. Such notice shall be published for at least two 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 appears 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 Board of Trustees 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

Special
election to
incur
indebted-
ness.

Board of
Trustees to
levy tax.

contracting the same. It shall be the duty of the Board of Trustees, in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the Treasury as a separate fund, or funds, in case indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

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

CHAPTER XV.

An Act for the remuneration of Elisha O. Crosby, for money advanced to and for the State of California.

[Approved March 5, 1887.]

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

Appropriation.
Claim
Elisha O.
Crosby.

SECTION 1. There is hereby appropriated out of any money in the General Fund not otherwise appropriated, the sum of thirty-eight hundred and forty-two dollars, in favor of and payable to Elisha O. Crosby, and the Controller of State is hereby authorized and directed to draw his warrant, and the Treasurer of State to pay the same; *provided*, that nothing in section four hundred and fifty-three of the Political Code of this State be held to conflict with this Act; *provided further*, that the direction herein to the Controller is exempted from the operations of section six hundred and seventy-two (672) of said Code.

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

CHAPTER XVI.

An Act to amend section five hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the salary of the Deputy for the Superintendent of Public Instruction, and equalizing the same with the salaries paid the deputies for other State officers.

[Approved March 5, 1887.]

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

Salary of
Deputy
Superintendent
of Public
Instruction.

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

514. The annual salary of the Deputy for the Superintendent of Public Instruction is the same as the salary paid

to deputies for other State officers, namely, two thousand four hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVII.

An Act to appropriate money to pay the claim of B. F. Langford.

[Approved March 5, 1887.]

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

SECTION 1. The sum of five hundred and fifty-one and eighty one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of B. F. Langford, a Commissioner appointed by the Governor to select a site for the California Hospital for the Chronic Insane, as heretofore allowed and approved by the Board of Examiners, for traveling and other expenses incurred while acting as such Commissioner.

Appropriation. Claim B. F. Langford, Commissioner Chronic Insane.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER XVIII.

An Act to amend an Act entitled "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, by adding a new section thereto.

[Approved March 4, 1887.]

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

SECTION 1. A new section, to be known as section seven, is hereby added to an Act entitled "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 third, eighteen hundred and eighty-five, and to read as follows:

Disposition of premiums.

Section 7. All actions hereafter commenced for the recovery of any moneys now due or payable, or which may hereafter become due or payable, under the provisions of section one

Manner of bringing action to recover moneys due.

of this Act ("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"), shall be brought and prosecuted in the name of the county, or city and county, wherein the same are or may be payable, and against such person as shall have acted as agent for or on behalf of such corporation or company, and such corporation or company.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIX.

An Act to provide for certain improvements at the Deaf, Dumb, and Blind Asylum.

[Approved March 4, 1887.]

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

Appropriation. Deaf, Dumb, and Blind Asylum.

SECTION 1. The sum of thirty-four thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Directors of the Deaf, Dumb, and Blind Asylum, and to be expended by them as follows:

How to be expended.

1. For adding a second story to and completing the educational building, thirty thousand dollars.
2. For laundry machinery, one thousand dollars.
3. For grading and macadamizing streets, one thousand dollars.
4. For painting buildings, one thousand five hundred dollars.
5. For erection of hothouse for teaching pupils the culture and propagation of plants, one thousand dollars.

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

CHAPTER XX.

An Act to appropriate money to pay the rent of the "Hastings College of Law," from December first, eighteen hundred and eighty-five, until June thirtieth, eighteen hundred and eighty-seven.

[Approved March 4, 1887.]

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

Appropriation. Hastings College of Law.

SECTION 1. The sum of nineteen hundred dollars is hereby appropriated out of any moneys not otherwise appropriated, to pay the rent of the "Hastings College of Law,"

from December first, eighteen hundred and eighty-five, until June thirtieth, eighteen hundred and eighty-seven.

Warrant in favor "the Society of California Pioneers."

SEC. 2. The Controller is hereby directed to draw his warrant in favor "the Society of California Pioneers," for the amount appropriated by section one of this Act, payable out of the General Fund

SEC. 3. This Act shall take effect immediately.

CHAPTER XXI.

An Act to prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.

[Approved March 4, 1887.]

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

SECTION 1. Any person, firm, or corporation, engaged in the production, manufacture, or sale of any article of merchandise made, or partly made in this State, who or which shall, by any imprint, label, trademark, tag, stamp, or other inscription or device, placed or impressed upon such article, or upon the cask, box, case, or package containing the same, misrepresent or falsely state the kind, character, or nature of the labor employed or used, or misrepresent or falsely state the extent of the labor employed or used, or misrepresent or falsely state the number or kind of persons exclusively employed or used, or misrepresent or falsely state that a particular or distinctive class or character of laborers was wholly and exclusively used or employed, when, in fact, another class, or character, or distinction of laborers was used or employed, either jointly or in anywise supplementary to such exclusive class, character, or distinction of laborers, in the production or manufacture of the article to which such imprint, label, trademark, tag, stamp, or other inscription or device is affixed, to which, or upon the cask, box, case, or package containing the same, such imprint, label, trademark, tag, stamp, or other inscription or device is affixed, or upon which it is impressed, is guilty of a misdemeanor, and, on conviction thereof, is punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than twenty days nor for more than ninety days, or by both such fine and imprisonment.

Penalty for falsely labeling produce and manufactured goods.

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

CHAPTER XXII.

An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

[Approved March 4, 1887.]

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

Appropriation.
State Board
of Health.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of the General Fund in the State Treasury, to be expended by the State Board of Health, under the direction of the Governor, for the prevention of the introduction of contagious and infectious diseases in the State. The claims for such expenditures must be audited by the Board of Examiners; except that when a contingency arises, which, in the opinion of the Governor, demands the immediate use of money, the Controller may draw his warrant upon the order of the Governor in such sums, not exceeding one thousand dollars, as he may direct, in the name of the State Board of Health; *provided*, that an account must thereafter be filed with the Board of Examiners, and audited by it, and transmitted to the Controller, showing the manner of such expenditure.

Mode of
expenditure.

SEC. 2. This Act takes effect immediately.

CHAPTER XXIII.

An Act appropriating the sum of two hundred and fifty thousand dollars for the erection of additional buildings for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

[Approved March 4, 1887.]

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

Appropriation.
Hos-
pital Chronic
Insane.

SECTION 1. The sum of two hundred and fifty thousand dollars is hereby appropriated out of the General Fund of the State of California, for the erection of additional buildings for the use and occupation of the patients of the California Hospital for the Chronic Insane; of which amount one half thereof is appropriated for the thirty-ninth fiscal year and one half thereof for the fortieth fiscal year. Said sum herein appropriated shall be expended pursuant to the provisions of "An Act to provide for an additional asylum for the insane of the State of California," approved March ninth, eighteen hundred and eighty-five, and of an Act to regulate contracts in behalf of the State in relations to erections and buildings, "approved March twenty-third,

eighteen hundred and seventy-six." The State Board of Examiners shall examine, audit, and allow all demands arising under this Act and the said Act herein mentioned; and the State Controller shall thereupon draw his warrants therefor, payable out of said General Fund, and the State Treasurer is hereby ordered to pay such warrants.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIV.

An Act to provide an additional Judge of the Superior Court of the County of San Bernardino.

[Approved March 5, 1887.]

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

SECTION 1. The number of Judges of the Superior Court of the County of San Bernardino is hereby increased from one to two.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint an additional Judge of the Superior Court of said County of San Bernardino, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and eighty-nine, and at the next general election a Judge of said Court of said county shall be elected to hold office for the term prescribed by the Constitution and by law.

SEC. 3. The salary of said additional Judge shall be the same in amount, and shall be paid at the same time and in the same manner as that of the other Judge of said Superior Court of said county.

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

CHAPTER XXV.

An Act to amend section six hundred and two (602) of the Political Code of the State of California, relating to insurance.

[Approved March 5, 1887.]

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

SECTION 1. Section six hundred and two (602) of the Political Code is amended so as to read as follows:

602. Wherever provisions for the liabilities of any person engaged in the business of fire, marine, or inland navigation insurance in this State, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at fifty

Manner of
expenditure.

Two
Judges.

Governor to
appoint.
When.

Salary of.

Persons
engaged in
fire, marine,
or inland
navigation
insurance,
when insol-
vent.

Persons engaged in fire, marine, or inland navigation insurance, when insolvent.

per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair his capital stock paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such person is insolvent; and in the case of a person engaged in such insurance in this State, on the mutual plan, if the available cash assets of such person shall not exceed his liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such person is insolvent; and wherever provision for the liabilities of any person engaged in any kind of insurance business in this State, other than life and insurance of titles to real estate, provided for in section four hundred and twenty of the Civil Code of this State, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the State of New York, would so far impair his capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such person is insolvent; and in case of a person engaged in such insurance business in this State, on the mutual plan, if his available cash assets shall not exceed his liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such person is insolvent. In the case of a company or a corporation engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes, and reinsurance of all its outstanding risks, at rates based upon the American Experience Table of Mortality, and interest at the rate of four and one half per centum per annum, exceeds its assets, such company or corporation is insolvent. In the case of a corporation or company engaged in the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, and taxes, would, after exhausting its surplus fund, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such corporation or company is insolvent.

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

CHAPTER XXVI.

An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding thereto a new section, to be known as section one thousand three hundred and forty-eight, authorizing certain corporations to act as executor and in other capacities.

[Approved March 5, 1887.]

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

SECTION 1. Another section is hereby added to the Code of Civil Procedure, to be known as section one thousand three hundred and forty-eight, to read as follows:

1348. Corporations authorized by their articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository, or trustee, and having a paid up capital of not less than two hundred and fifty thousand dollars, of which one hundred thousand dollars shall have been actually paid in in cash, may be appointed to act in such capacity in like manner as individuals. In all cases in which it is required that an executor, administrator, guardian, assignee, receiver, depository, or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation, if such oath shall be taken and subscribed, or such affidavit made, by the President or Secretary or Manager thereof; and such officer shall be liable for the failure of such corporation to perform any of the duties required by law to be performed by individuals acting in like capacity and subject to like penalties; and such corporation shall be liable for such failure to the full amount of its capital stock and upon the bond required upon its assuming the trusts provided for herein.

Authority and liabilities of corporations to act as executor, etc.

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

CHAPTER XXVII.

An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, as amended by an Act entitled "An Act to amend the Civil Code, relative to insurance," approved April 1, 1878, and to add a new section thereto, to be known as section four hundred and thirty-two, relating to insurance, and to the investment of the capital stock and accumulations of insurance companies.

[Approved March 5, 1887.]

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

SECTION 1. Section four hundred and twenty-seven (427) of the Civil Code is amended so as to read as follows:

How invest
capital stock.

427. Corporations organized subsequent to April first, eighteen hundred and seventy-eight, under the laws of this State, for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:

1. In the purchase of or loans upon interest-bearing bonds of the United States Government.

2. In the purchase of or loans upon interest-bearing bonds of any of the States of the United States, not in default for interest on such bonds.

3. In the purchase of or loans upon interest-bearing bonds of any of the counties and incorporated cities and towns of the States of California and Oregon, not in default of interest on such bonds.

4. In loans upon unincumbered real property, worth at least one hundred per cent more than the amount loaned; or upon merchandise or cereals in warehouse, but in no instance shall such loan be made in excess of seventy-five per cent of the security taken.

5. Corporations engaged in the business of insuring titles to real estate may, after the investment of one hundred thousand (100,000) dollars in the manner provided for in subdivisions one, two, three, and four of this section, invest an amount not exceeding fifty per cent of their subscribed capital stock, in the preparation or purchase of the materials or plant necessary to enable them to engage in such business; and such materials or plant shall be deemed an asset, valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such corporations.

6. Corporations organized for and engaged in the business of fire and marine insurance, may, after the investment of two hundred thousand (200,000) dollars, in the manner provided in subdivisions one, two, three, and four of this section, invest the balance of their capital, and any accumulations in interest-bearing first mortgage bonds of any corporations (except mining companies), not in default of interest, organized and carrying on business under the laws of any State of the

United States; *provided*, that a two-thirds vote of all the Directors of such corporations shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly, on the first days of January, April, July, and October of each year, to the Insurance Commissioner, a list of such investments so made by them; and the Insurance Commissioner may, if such investments, or any of them, seem injudicious to him, require the sale of the same. But no investment in the securities named in subdivisions one, two, three, and six of this section, must be made in an amount exceeding the market value of such securities at the date of such investment.

SEC. 2. Section four hundred and twenty-nine (429) of the Civil Code is amended so as to read as follows:

429. No corporation formed subsequent to April first, Corporations formed subsequent to April 1, 1878. eighteen hundred and seventy-eight, under the laws of this State, and transacting fire, marine, inland navigation insurance business, or insurance provided for by section four hundred and twenty (420) of this Code, except insurance of the title to real property, must make any dividends except from profits remaining on hand after retaining unimpaired:

1. The entire subscribed capital stock.
2. All the premiums received or receivable on outstanding marine or inland risks, except marine time risks.
3. A fund equal to one half of the amount of all premiums on all other risks not terminated at the time of making such dividend.
4. A sum sufficient to pay all losses reported or in course of settlement, and all liabilities for expenses and taxes.

SEC. 3. The following is added as a new section to said Code, to be known as section four hundred and thirty-two (432):

432. Corporations transacting business in insuring titles to real estate, shall annually set apart a sum equal to twenty-five per cent of their premiums collected during the year, which sum shall be allowed to accumulate until a fund shall have been created amounting to ten per cent of the subscribed capital stock. Such fund shall be maintained as a further security to policy holders, and shall be known as the Surplus Fund; and if at any time such fund shall be impaired by reason of a loss, the amount by which it may be impaired shall be restored in the manner hereinabove provided for its accumulation. The reporting of a loss shall be deemed an impairment of such fund for the purposes of this section. Such corporation must not make any dividends except from profits remaining on hand after retaining unimpaired:

1. The entire subscribed capital stock.
2. The amount owing to the Surplus Fund, under the provisions of this section.
3. A sum sufficient to pay all losses reported, or in course of settlement, which shall be in excess of the Surplus Fund, and all liabilities for expenses and taxes.

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

CHAPTER XXVIII.

An Act to appropriate money to pay the claim of W. T. Brown, or his executors or administrators.

[Approved March 5, 1887.]

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

Appropriation. Claim
W. T. Brown,
Commissioner
Chronic
Insane.

SECTION 1. The sum of four hundred and twenty-one and fifteen one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. T. Brown, or his executors or administrators, a Commissioner appointed by the Governor to select a site for the California Hospital for the Chronic Insane, as heretofore allowed and approved by the Board of Examiners, for traveling and other expenses incurred while acting as such Commissioner.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER XXIX.

An Act to appropriate money to pay the claim of R. F. Del Valle.

[Approved March 5, 1887.]

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

Appropriation. Claim
R. F. Del
Valle, Com-
missioner
Chronic
Insane.

SECTION 1. The sum of three hundred and seven and ninety-five one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of R. F. Del Valle, a Commissioner appointed by the Governor to select a site for the California Hospital for the Chronic Insane, as heretofore allowed and approved by the Board of Examiners, for traveling and other expenses incurred while acting as such Commissioner.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER XXX.

An Act to appropriate money to pay the claim of Benj. Knight.

[Approved March 5, 1887.]

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

SECTION 1. The sum of four hundred and eleven and ninety-five hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Benj. Knight, a Commissioner appointed by the Governor to select a site for the California Hospital for the Chronic Insane, as heretofore allowed and approved by the Board of Examiners, for traveling and other expenses incurred while acting as such Commissioner.

Appropriation. Claim Benjamin Knight, Commissioner Chronic Insane.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasury for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER XXXI.

An Act to appropriate money to pay the claim of E. T. Wilkins.

[Approved March 5, 1887.]

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

SECTION 1. The sum of three hundred and eighty-two dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of E. T. Wilkins, a Commissioner appointed by the Governor to select a site for the California Hospital for the Chronic Insane, as heretofore allowed and approved by the Board of Examiners, traveling and other expenses incurred while acting as such Commissioner.

Appropriation. Claim E. T. Wilkins, Commissioner Chronic Insane.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER XXXII.

An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.

[Approved March 5, 1887.]

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

Manner of conveying gifts for dissemination of knowledge of arts, etc.

SECTION 1. Any person intending in his lifetime, or by will or trust deed, to operate after his death, to found, maintain, and perpetuate in this State a public library, museum, gallery of art, or any or all thereof, for the diffusion of mechanical, scientific, artistic, and general knowledge, may to that end and for such purpose, and for any purpose within the purview of the title of this Act, convey in writing by words denoting a gift or grant to one or more Trustees named in such gift or grant, and to their successors, any library or collection of books and works for such public library, or any museum, or gallery of art in this State, and such gift or grant may also express, and shall be construed to be a conveyance of the future additions and accretions thereof; and he may also in like manner, to that end, and for such purpose, convey by grant to such Trustee or Trustees, any real property within this State belonging to him which may be necessary or proper for the erection and maintenance of buildings suitable to such institution, and the buildings erected thereon, with grounds conveniently adjacent thereto, and other lands, tenements, and hereditaments for the purpose of producing an income for the support and maintenance of such institutions, or any of them, and any collateral burdens which may be imposed by the terms of such foundation as part and parcel of the regulations for its conduct, and also personal property of all descriptions, which may subserve the purposes of the institution and maintenance of any such library, museum, or gallery of art.

Gifts by other than founder.

SEC. 2. Any contributions or gifts by any other person than the founder, of any property suitable to the general plan or support of any institution mentioned in the title of this Act, shall immediately vest in the Trustees, and become incorporated into and subject to the trust, and to all its terms and conditions, and be managed under the rules and regulations prescribed therefor.

SEC. 3. The person making such gift, grant, or conveyance, as founder, may therein designate:

1. The name by which the institution so founded and maintained shall be known.

2. Its nature, object, and purposes.

3. The powers and duties of the Trustees, which shall not be exclusive of other powers and duties that, in their judgment, may be necessary more effectually to carry out the purposes of such institution.

4. The mode and manner and by whom the successors to the Trustees named in the gift or grant shall be appointed.

5. Such rules and regulations for the management of such institution, and the furtherance of its purposes, as the grantor may elect to prescribe; but such rules and regulations shall, unless the grant shall otherwise prescribe, be deemed advisory only, and shall not preclude such Trustees or their successors from making such changes as new conditions may, from time to time, require.

6. The place or places where the necessary buildings shall be erected, and the general character thereof. The person making such grant may therein provide for all other things necessary or proper to carry out the purposes thereof, or otherwise, by his last will or testament.

SEC. 4. The Trustees named in such gift or grant, and their successors, may, in the name of such institution designated in the gift or grant, sue and defend in relation to the trust property, and to all matters affecting the institution so founded and established.

SEC. 5. By a provision in such gift or grant, the founder may elect, in respect to the personal and real property conveyed, and the additions and increase thereof, and in respect to the erection, maintenance, and management of any buildings auxiliary thereto, and in respect to any property connected with such institution, to reserve to himself a veto and right of annulment or modification of any act of such Trustees, in case he shall, within thirty days after notice of the performance of such act, file in the office of said Trustees, or deliver to their President or principal officer, a notice, in writing, of such veto, annulment, or modification, and upon a like notice, in conformity with a provision in such gift or grant, he may elect to perform during his life all the powers which, by the terms thereof, are vested in or enjoined upon the Trustees therein named, and their successors; *provided*, that upon the death or disability to act of the founder and grantor, such powers and duties shall be devolved upon, and be exercised by, the Trustees named in the gift or grant, and their successors. Such person may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions thereof, and the trusts therein created in respect to such institution, its buildings, and the property conveyed therefor.

Privileges
granted to
founder.

SEC. 6. The founder shall have power in said deed of trust to name and describe the character and personality of any one or more of the immediate or future Trustees, the Librarian, and other officers, and to name and impose any particular duty to be performed by any one or more Trustees or other officers, so described and characterized, and to

Election of
officers and
compensa-
tion.

declare and limit any compensation, and fix the character and method of such compensation he may choose to provide for any such Trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties shall be imposed.

Gift, how recorded.

SEC. 7. Any such gift or grant may be executed, acknowledged, and recorded in the manner now or hereafter provided by law for the execution, acknowledgment, and recording of grants of real property.

Time of commencing suit.

SEC. 8. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said gift, grant, or 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 the filing of such grant for record.

Founder may bequeath to State of California.

SEC. 9. Any person, being the founder, making a gift or grant for any of the purposes mentioned in this Act may, at any time thereafter, by last will or testament, devise or bequeath to the State of California all or any of the property, real and personal, mentioned in such gift or grant, or in any such supplemental thereto, and such devise or bequest shall take effect in case, from any cause whatever, the gift or grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise or bequest is hereby suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the State, in case it shall succeed 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.

Liberal construction of provisions.

SEC. 10. The provisions of this Act shall be liberally construed, with a view to effect its objects and purposes, and the singular number in the construction thereof shall be deemed to include the plural, and the plural number shall be deemed to include the singular.

Universities, colleges, schools, etc.

SEC. 11. Nothing in this Act shall repeal, modify, change, or have any effect upon any of the provisions of an Act of the Legislature of the State of California entitled "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 funding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March ninth, eighteen hundred and eighty-five.

SEC. 12. This Act shall take effect immediately.

CHAPTER XXXIII.

An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-seventh fiscal year.

[Approved March 5, 1887.]

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

SECTION 1. The sum of eight hundred and sixty-nine dollars and twenty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for thirty-seventh fiscal year.

Appropriation.
Deficiency
preservation
of fish.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIV.

An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes.

[Approved March 7, 1887.]

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

SECTION 1. Whenever fifty or a majority of freeholders owning lands susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this Act, and when so organized such district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation districts.

Organization
of irrigation
districts.
Powers
conferred.

SEC: 2. A petition shall first be presented to the Board of Supervisors of the county in which the lands or the greatest portion thereof is situated, signed by the required number of freeholders of such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this Act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said Board of Supervisors, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all said cost in case said organization shall not be effected. Such petition shall be presented at a regular meeting of the said Board, and shall

Petition
Board of
Supervisors.

Bond of
petitioners.

Publication
of petition.

be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the said Board of Supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all; and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries; *provided*, that said Board shall not modify said boundaries so as to except from the operation of this Act any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works applicable to the other lands in such proposed district, nor shall any lands which will not, in the judgment of the said Board, be benefited by irrigation by said system be included within such district; *provided*, that any person whose lands are susceptible of irrigation from the same source shall, upon application of the owner to said Board, be entitled to have such lands included in said district. Said Board shall also make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered First, Second, Third, Fourth, and Fifth, and one Director shall be elected from each district. Said Board of Supervisors shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this Act. Such notice shall describe boundaries so established, and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election in a newspaper published within said county; and if any portion of such proposed district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words, "Irrigation District—Yes;" or, "Irrigation District—No," or words equivalent thereto; and also the names of persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this Act unless he shall possess all the qualifications required of electors under the general election laws of this State.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the State, provided that no particular form of ballot shall be required. The said Board of Supervisors shall meet on the second Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if upon such canvass it appear that at least two thirds of all the votes cast are "Irrigation District—Yes," the said Board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for such several offices to be duly elected to such

Duty Board Supervisors.

Proviso.

Proviso.

Notice of election.

Form of ballot.

Qualification of voter.

Canvass of vote.

offices. Said Board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the County Recorder of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the Clerk of the Board of Supervisors of each of the counties in which any portion of the district may lie; and no Board of Supervisors of any county, including any portion of such district shall, after the date of the organization of such district, allow another district to be formed including any of the lands in such district, without the consent of the Board of Directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively, until their successors are elected and qualified. For the purposes of the election above provided for, the said Board of Supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries thereof, which said precincts may thereafter be changed by the Board of Directors of such district.

Certificate of election, where to be filed.

Consent of Directors.

Election precincts.

SEC. 4. An election shall be held in such district on the first Wednesday in April, eighteen hundred and eighty-eight, and on the first Wednesday in April in each second year thereafter, at which an Assessor, a Collector, and a Treasurer, and a Board of five Directors for the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election, is elected thereto. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath and file the same in the office of the Board of Directors. The Assessor shall execute an official bond in the sum of ten thousand dollars, and the Collector an official bond in the sum of twenty thousand dollars, and the district Treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the Board of Directors; and each member of said Board of Directors shall execute an official bond in the sum of twenty-five thousand dollars, which said bonds shall be approved by the Judge of the Superior Court of said county where such organization was effected, and shall be recorded in the office of the County Recorder thereof, and filed with the Secretary of said Board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Time for election and officers to be elected.

Qualification of officers.

Bonds of.

SEC. 5. Fifteen days before any election held under this Act, subsequent to the organization of any district, the Secretary of the Board of Directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said Board, which shall be established and kept at some fixed place to be determined by said Board, specifying the polling places of each precinct. Prior to the time for posting the notices, the Board

Posting of election notices.

Board of
Election.

must appoint for each precinct, from the electors thereof, one Inspector and two Judges, who shall constitute a Board of Election for such precinct. If the Board fail to appoint a Board of Election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the Board, or supply the place of an absent member thereof. The Board of Directors must, in its order appointing the Board of Election, designate the house or place within the precinct where the election must be held.

Chairman of
Election
Board.

SEC. 6. The Inspector is Chairman of the Election Board, and may:

Duties of
Chairman of
Election
Board.

First—Administer all oaths required in the progress of an election.

Second—Appoint Judges and Clerks if, during the progress of the election, any Judge or Clerk cease to act. Any member of the Board of Election, or any Clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The Board of Election for each precinct must, before opening the polls, appoint two persons to act as Clerks of the election. Before opening the polls, each member of the Board and each Clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened one hour after sunrise on the morning of the election, and be kept open until sunset, when the same must be closed. The provisions of the Political Code concerning the form of ballots to be used shall not apply to elections held under this Act.

Time of
voting.

SEC. 7. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted as nearly as practicable in accordance with the provisions of chapter nine of title two of part three of the Political Code of this State. As soon as the polls are closed, the Judges shall open the ballot-box and commence counting the votes; and in no case shall the ballot-box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the Inspector or one of the Judges, who shall open them and read aloud the names of each person contained therein, and the office for which every such person is voted for. Each Clerk shall write down each office to be filled, and the name of each person voted for for such office, and shall keep the number of votes by tallies, as they are read aloud by the Inspector or Judge. The counting of votes shall be continued without adjournment until all have been counted.

Counting of
votes.Manner of
certifying to
returns.

SEC. 8. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the Clerk, Judge, and the

Inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the Inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the Inspector, during the counting thereof, in the order in which they are entered upon the tally list by the Clerks; and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the Inspector in the presence of the Judges and Clerks; and indorsed "Election Returns of (naming the precinct) Precinct," and be directed to the Secretary of the Board of Directors, and shall be immediately delivered by the Inspector, or by some other safe and responsible carrier designated by said Inspector, to said Secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the Board of Directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Election returns, disposition of.

SEC. 9. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The Board of Directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the Board of Directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district, for each person voted for, and declaring the result thereof.

Canvassing returns.

Declaring result.

SEC. 10. The Secretary of the Board of Directors must, as soon as the result is declared, enter in the records of such Board, a statement of such result, which statement must show:

Statement of result. Election, how counted.

First—The whole number of votes cast in the district.

Second—The names of the persons voted for.

Third—The office to fill which each person was voted for.

Fourth—The number of votes given in each precinct, to each of such persons.

Fifth—The number of votes given in the district to each of such persons.

The Board of Directors must declare elected the person having the highest number of votes given for each office to be filled by the votes of the district. The Secretary must immediately make out and deliver to such person a certificate of election signed by him and authenticated with the seal of the Board. In case of a vacancy in the office of Assessor, Tax Collector, or Treasurer, the vacancy shall be filled by appointment by the Board of Directors. In case of a vacancy in the office of member of the Board of Directors, the vacancy shall be filled by appointment by the Board of Supervisors

Certificate of election.

Filling vacancies.

of the county where the office of such Board is situated. An officer appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Organization
of Board.

SEC. 11. On the first Wednesday in May next following their election the Board of Directors shall meet and organize as a Board, elect a President from their number, and appoint a Secretary. The Board shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers, and employes as may be required, and prescribe their duties, establish equitable by-laws, rules, and regulations for the distribution and use of water among the owners of said lands, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act. The said by-laws, rules, and regulations must be printed in convenient form for distribution in the district. And it is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; *provided*, that any land owner may assign the right to the whole or any portion of the waters so apportioned to him.

Powers of
Board.

Distribution
of by-laws.

Meeting of
Directors.

SEC. 12. The Board of Directors shall hold a regular monthly meeting, in their office, on the first Tuesday in every month, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the Board; the order must be entered of record, and five days' notice thereof must, by the Secretary, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting. All meetings of the Board must be public, and three members shall constitute a quorum for the transaction of business, but on all questions requiring a vote, there shall be a concurrence of at least three members of said Board. All records of the Board shall be open to the inspection of any elector during business hours. The Board, and its agents and employes, shall have the right to enter upon any land in the district to make surveys, and may locate the line for any canal or canals, and the necessary branches for the same, on any of said lands which may be deemed best for such location. Said Board shall also have the right to acquire, either by purchase or condemnation, all lands and waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs, for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district, hereinafter provided for, may be used at their par value in payment; and in case of condemnation, the Board shall proceed, in the name of the district, under

Records of
Board.

Rights of
the Board.

the provisions of title seven, of part three, of the Code of Civil Procedure. Said Board may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of this Act, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this Act, is hereby declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law.

SEC. 13. The legal title to all property acquired under the provisions of this Act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this Act. And said Board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided.

Titles to property acquired under provisions of Act.

SEC. 14. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this Act or acquired in pursuance thereof. And in all Courts, actions, suits, or proceedings, the said Board may sue, appear, and defend, in person or by attorneys, and in the name of such irrigation district.

Powers of Board in suits at law or in equity.

SEC. 15. For the purpose of constructing necessary irrigating canals and works and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this Act, the Board of Directors of any such district must, as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised, and shall immediately thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this Act, the question whether or not the bonds of said district shall be issued in the amount so determined. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county, where the office of the Board of Directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the result thereof determined and declared, in all respects as nearly as practicable, in conformity with the provisions

Special election for issuance of bonds.

Publication of notice for special election.

of this Act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words, "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the Board of Directors shall immediately cause bonds in said amount to be issued; said bonds shall be payable in gold coin of the United States, in installments as follows, to wit: At the expiration of eleven years not less than five per cent of said bonds; at the expiration of twelve years not less than six per cent; at the expiration of thirteen years not less than seven per cent; at the expiration of fourteen years not less than eight per cent; at the expiration of fifteen years not less than nine per cent; at the expiration of sixteen years not less than ten per cent; at the expiration of seventeen years not less than eleven per cent; at the expiration of eighteen years not less than thirteen per cent; at the expiration of nineteen years not less than fifteen per cent; and for the twentieth year a percentage sufficient to pay off said bonds; and shall bear interest at the rate of six per cent per annum, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the office of the Treasurer of the district. Said bonds shall be each of the denomination of not less than one hundred dollars, nor more than five hundred dollars, shall be negotiable in form, signed by the President and Secretary, and the seal of the Board of Directors shall be affixed thereto. They shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond signed by the Secretary. Said bonds shall express on their face that they were issued by authority of this Act, stating its title and date of approval. The Secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

Form of ballot.

Denomination of bonds.

Record of bonds.

Board to sell bonds.

Notice of sale.

Where notice to be published.

Opening of bids.

SEC. 16. The Board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this Act. Before making any sale the Board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least twenty days, in a daily newspaper published in each of the Cities of San Francisco, Sacramento, and Los Angeles, and in any other newspaper, at their discretion. The notice shall state that sealed proposals will be received by the Board, at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the Board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder, and may reject all bids; but said Board shall in no event sell

any of the said bonds for less than ninety per cent of the face value thereof.

SEC. 17. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided. How paid.

SEC. 18. The Assessor must, between the first Monday in March and the first Monday in June, in each year, assess all real property in the district, to the persons who own, claim, have the possession or control thereof, at its full cash value. He must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head: Assessment of real property.

First—The name of the person to whom the property is assessed. If the name is not known to the Assessor, the property shall be assessed to "Unknown Owners." How made. To whom assessed.

Second—Land by township, range, section, or fractional section, and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon. Description of property.

Third—City and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town, and the improvements thereon.

Fourth—The cash value of real estate, other than city or town lots.

Fifth—The cash value of improvements on such real estate.

Sixth—The cash value of city and town lots.

Seventh—The cash value of improvements on city and town lots.

Eighth—The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

Ninth—The total value of all property assessed.

Tenth—The total value of all property after equalization by the Board of Directors.

Eleventh—Such other things as the Board of Directors may require.

SEC. 19. The Board of Directors must allow the Assessor as many deputies, to be appointed by him, as will, in the judgment of the Board, enable him to complete the assessment within the time herein prescribed. The Board must fix the compensation of such deputies, which shall be paid out of the Treasury of the district. The compensation must not exceed five dollars per day for each deputy, for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March, and the first Monday in August in each year. Appointment of Deputy Assessors and compensation.

SEC. 20. On or before the first Monday in August in each year the Assessor must complete his assessment book, and deliver it to the Secretary of the Board, who must immediately give notice thereof, and of the time the Board of Directors, acting as a Board of Equalization, will meet to equalize assessments, by publication in a newspaper published in each Time to complete assessment.

of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and in the meantime the assessment book must remain in the office of the Secretary for the inspection of all persons interested.

Sitting as
Board of
Equaliza-
tion.

SEC. 21. Upon the day specified in the notice required by the preceding section for the meeting, the Board of Directors, which is hereby constituted a Board of Equalization for that purpose, shall meet and continue in session from day to day, as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the Board may change the valuation as may be just. The Secretary of the Board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the Board, extended into columns and added.

Levying of
assessment
to pay inter-
est on bonds.

SEC. 22. The Board of Directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds; and at the expiration of ten years after the issuing of bonds by the Board, must increase said assessment, for the ensuing ten years, in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year, a percentage sufficient to pay off said bonds. The Secretary of the Board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid into the district Treasury, and shall constitute a special fund to be called the "Bond Fund of (naming the district) Irrigation District."

Bond Fund.

Lien against.

SEC. 23. The assessment upon real property is a lien against the property assessed, from and after the first Monday in March for any year; and such lien is not removed until the assessments are paid or the property sold for the payment thereof.

Collection of
assessments;
how made.

SEC. 24. On or before the first day of November, the Secretary must deliver the assessment book to the Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be lands situated in more than one county in such district, that said assessments are due and payable and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter; and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made. The notice shall also specify a time and place

within each election precinct of the district, when and where the Collector will attend to receive payment of assessments, and shall be published for fifteen days, and a printed copy of said notice shall be posted for the same time in some public place in each precinct. The Collector must attend at the time and place specified in the notice, to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the thirty-first day of December of each year, all unpaid assessments are delinquent, and thereafter the Collector must collect thereon, for the use of the district, an addition of five per cent.

SEC. 25. On or before the first day of February, the Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice, that unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the Collector.

Publication of delinquent list.

SEC. 26. The Collector must collect, in addition to the assessments due on the delinquent list and five per cent added, fifty cents on each lot, piece, or tract of land separately assessed, one half of which must go to the district and the other to the Collector for preparing the list. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the Collector, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

Collection of penalties on delinquent assessments.

SEC. 27. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars to the Collector for the duplicate certificate of sale, is the purchaser. If the purchaser

Right of owner to designate property to be sold.

does not pay the assessments and costs before ten o'clock A. M. the following day, the property, on next sale day, before the regular sale, must be resold for the assessments and costs. After receiving the amount of assessments and costs, the Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and the year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder of the county in which the land sold is situated.

Collector's
certificate.

SEC. 28. The Collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchasers' names, and amount paid, regularly number the description on the margin of the book and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such County Recorder the lien of the assessments vests in the purchaser, and is only divested by the payment to him, or to the Collector for his use, of the purchase money and two per cent per month from the day of sale until redemption.

Time and
manner in
which prop-
erty may be
redeemed.

SEC. 29. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of State and county taxes, and when made to the Collector he must credit the amount paid to the person named in the certificate, and pay it, on demand, to the person or his assignees. In each report the Collector makes to the Board of Directors, he must name the person entitled to redemption money, and the amount due to each. On receiving the certificate of sale, the County Recorder must file it and make an entry in a book similar to that required of the Collector. On the presentation of the receipt of the person named in the certificate, or of the Collector, for his use, of the total amount of the redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale, 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 redeemed the property during the time allowed by law for its redemption. The Collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

Acknowl-
edgment of
deed.

SEC. 30. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

First—The property was assessed as required by law.

Second—The property was equalized as required by law.

Third—That the assessments were levied in accordance with law.

Fourth—The assessments were not paid.

Fifth—At a proper time and place the property was sold as prescribed by law, and by the proper officer.

Sixth—The property was not redeemed.

Seventh—The person who executed the deed was the proper officer.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the Assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein free of all incumbrances, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession.

Conditions of deed.

SEC. 31. The assessment book or delinquent list, or a copy thereof, certified by the Collector, showing unpaid assessments against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

Certificate of Collector prima facie evidence.

SEC. 32. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or voidable.

Validity of sale.

SEC. 33. On the first Monday in each month the Collector must settle with the Secretary of the Board for all moneys collected for assessments, and pay the same over to the Treasurer; and within six days thereafter he must deliver to and file in the office of the Secretary a statement under oath, showing:

Time and manner of settlement.

First—An account of all his transactions and receipts since his last settlement.

Second—That all money collected by him as Collector has been paid.

The Collector shall also file in the office of the Secretary on said first Monday in each month, the receipt of the Treasurer for the money so paid.

SEC. 34. Upon the presentation of the coupons due to the Treasurer, he shall pay the same from said Bond Fund. Whenever after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the Board of Directors may direct the Treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper in each of the cities hereinbefore named, and in any other newspaper which said Board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the Board in open meeting, at a time to be named in the notice, and the

Payment of coupons.

Proviso. lowest bid for said bonds must be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the Treasurer, under the direction of the Board, in United States gold-bearing bonds, or the bonds of the State, which shall be kept in said "Bond Fund," and may be used to redeem said district bonds whenever the holders thereof may desire.

Bids for construction of canals.

SEC. 35. After adopting a plan of said canal or canals, storage, reservoirs, and works, the Board of Directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district, provided a newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of said work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which at the time and place appointed shall be opened in public, and as soon as convenient thereafter the Board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence with the labor of the residents of the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board, payable to said district for its use, for double the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the Engineer, and be approved by the Board.

Awarding of contracts.

Payment of claims.

SEC. 36. No claim shall be paid by the Treasurer until allowed by the Board, and only upon a warrant signed by the President, and countersigned by the Secretary; *provided*, that the Board may draw from time to time from the Construction Fund and deposit in the County Treasury of the county where the office of the Board is situated, any sum in excess of the sum of twenty-five thousand dollars. The County Treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe keeping and disbursement of the same, as in this Act provided. He shall pay out the same, or any portion thereof, to the Treasurer of the district only, and only upon the order of the Board, signed by the President and attested by the Secretary. The said County Treasurer shall report in writing, on the second Monday in

Manner and time for report of County Treasurer.

each month, the amount of money in the County Trésury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the Secretary of the Board. The District Treasurer shall also report to the Board, in writing, on the first Monday in each month, the amount of money in the District Treasury, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the Secretary of the Board.

SEC. 37. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the Construction Fund. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair, and improvement of such portions of said canal and works as are completed and in use, including salaries of officers and employés, the Board may either fix rates of tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes, or they may provide for the payment of said expenditures by a levy of assessments therefor, or by both said tolls and assessments; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll, and the Board shall have the same powers and functions for the purposes of said levy as are now possessed by Boards of Supervisors in this State. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this Act relating to the payment of principal and interest of bonds herein provided for.

Payments from Construction Fund.

Manner of raising funds for payments of officers, etc.

SEC. 38. The Board of Directors shall have power to construct the said works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said Board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works, shall unite with said Board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said Board, or the owners and controllers of the said property, thing, or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now, or may be the property of this State; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this State within the district.

Powers of Board.

Mileage and per diem of Directors.

SEC. 39. The Board of Directors shall each receive four dollars per day, and mileage at the rate of twenty cents per mile, in attending meetings, and actual and necessary expenses paid while engaged in official business under the order of the Board. The Board shall fix the compensation to be paid to the other officers named in the Act, to be paid out of the Treasury of the district; *provided*, that said Board shall, upon the petition of at least fifty, or a majority of the freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the Board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this Act.

Compensation of other officers.

Prohibiting officers from any interest in contracts.

SEC. 40. No Director or any other officer named in this Act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the Board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Special election.

SEC. 41. The Board of Directors may, at any time, when in their judgment it may be advisable, call a special election, and submit to the qualified electors of the district, the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this Act. Such election must be called upon the notice prescribed, and the same shall be held, and the result thereof determined and declared in all respects in conformity with the provisions of section fifteen of this Act. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be used. At such elections the ballots shall contain the words, "Assessment—Yes," or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the Board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessments so levied shall be computed and entered on the assessment roll by the Secretary of the Board, and collected at the same time and in the same manner as other assessments provided for herein; and when collected shall be paid into the District Treasury for the purposes specified in the notice of such special election.

Manner of calling.

Rate of assessment.

Collection of assessment.

Power to incur debt.

SEC. 42. The Board of Directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds, or otherwise, in excess of

the express provisions of this Act, and any debt or liability incurred, in excess of such express provisions, shall be and remain absolutely void.

SEC. 43. In case the volume of water in any stream or river shall not be sufficient to supply the continual wants of the entire country through which it passes, and susceptible of irrigation therefrom, then it shall be the duty of the Water Commissioners, constituted as hereinafter provided, to apportion, in a just and equitable proportion, a certain amount of said water upon certain or alternate weekly days to different localities, as they may, in their judgment, think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all. Said Water Commissioners shall consist of the Chairman of the Board of Directors of each of the districts affected.

Apportionment of water.

Water Commissioners.

SEC. 44. It shall be the duty of the Board of Directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

Duty of Directors.

SEC. 45. Navigation shall never in anywise be impaired by the operation of this Act, nor shall any vested interest in or to any mining water rights or ditches, or in or to any water or water rights, or reservoirs or dams, now used by the owners or possessors thereof, in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used directly or indirectly in carrying on or promoting the mining industry, ever be affected by or taken under its provisions, save and except that rights of way may be acquired over the same.

Affecting navigation and mining industry.

SEC. 46. None of the provisions of this Act shall be construed as repealing or in anywise modifying the provisions of any other Act relating to the subject of irrigation or Water Commissioners. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public uses.

Diverting waters.

Compensation.

SEC. 47. This Act shall take effect immediately.

CHAPTER XXXV.

An Act to enlarge the powers of the State Board of Forestry and to provide for the expenses of said Board.

[Approved March 7, 1887.]

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

Peace
officers.

SECTION 1. All the members of the State Board of Forestry of this State, and all assistants now employed or hereafter to be employed by said Board, are hereby endowed with all the powers of peace officers, for the purpose of making arrests for any violation of any law applying to forests or brush lands within this State, or prohibiting the destruction thereof.

Appropriation.

SEC. 2. There is hereby appropriated for the use of this Board, out of the moneys in the State Treasury not otherwise appropriated, the sum of twenty-nine thousand five hundred dollars (\$29,500), for the two years beginning the first of April, eighteen hundred and eighty-seven ; said sum to be used for the payment of the salaries of the assistants of said Board, the necessary traveling expenses of the members of said Board, and such other needful expenditures as said Board may find necessary, and the State Controller shall draw his warrant on the State Treasurer in favor of the Treasurer of the Board for the same.

How to be
expended.

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

CHAPTER XXXVI.

An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof.

[Approved March 7, 1887.]

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

Defining
pure wine.

SECTION 1. For the purposes of this Act, pure wine shall be defined as follows: The juice of grapes fermented, preserved, or fortified for use as a beverage, or as a medicine, by methods recognized as legitimate according to the provisions of this Act; unfermented grape juice, containing no addition of distilled spirits, may be denominated according to popular custom and demand, as wine only when described as "unfermented wine," and shall be deemed pure only when preserved for use as a beverage or medicine, in accordance with the provisions of this Act. Pure grape must shall be deemed to be the juice of grapes, only in its natural condition, whether expressed or mingled with the pure skins, seeds, or stems of grapes. Pure condensed grape must shall be deemed

to be pure grape must from which water has been extracted by evaporation, for purposes of preservation or increase of saccharine strength. Dry wine is that produced by complete fermentation of saccharine contained in must. Sweet wine is that which contains more or less saccharine appreciable to the taste. Fortified wine is that wine to which distilled spirits have been added to increase alcoholic strength, for purposes of preservation only, and shall be held to be pure when the spirits so used are the product of the grape only. Pure champagne, or sparkling wine, is that which contains carbonic acid gas or effervescence produced only by natural fermentation of saccharine matter of must, or partially fermented wine in bottle.

SEC. 2. In the fermentation, preservation, and fortification of pure wine, it shall be specifically understood that no materials shall be used intended as substitutes for grapes, or any part of grapes; no coloring matters shall be added which are not the pure product of grapes during fermentation, or by extraction from grapes with the aid of pure grape spirits; no foreign fruit juices, and no spirits imported from foreign countries, whether pure or compounded with fruit juices or other material not the pure product of grapes, shall be used for any purpose; no aniline dyes, salicylic acid, glycerine, alum, or other chemical antiseptics or ingredients recognized as deleterious to the health of consumers, or as injurious to the reputation of wine as pure, shall be permitted; and no distilled spirits shall be added except for the sole purpose of preservation and without the intention of enabling trade to lengthen the volume of fortified dry wine by the addition of water, or other wine weaker in alcoholic strength.

Prohibiting deleterious substitutes.

SEC. 3. In the fermentation and preservation of pure wine, and during the operations of fining, or clarifying; removing defects, improving qualities, blending and maturing, no methods shall be employed which essentially conflict with the provisions of the preceding sections of this Act, and no materials shall be used for the promotion of fermentation, or the assistance of any of the operations of wine treatment, which are injurious to the consumer or the reputation of wine as pure; *provided*, that it shall be expressly understood that the practices of using pure tannin in small quantities, leaven to excite fermentation only, and not to increase the material for the production of alcohol; water before or during, but not after fermentation, for the purpose of decreasing the saccharine strength of musts to enable perfect fermentation; and the natural products of grapes in the pure forms as they exist in pure grape musts, skins, and seeds; sulphur fumes to disinfect cooperage and prevent disease in wine; and pure gelatinous and albuminous substances, for the sole purpose of assisting fining, or clarification, shall be specifically permitted in the operations hereinbefore mentioned, in accordance with recognized legitimate custom.

Prohibiting use of materials injurious to consumers, for promotion of fermentation.

SEC. 4. It shall be unlawful to sell, or expose, or offer to sell under the name of wine, or grape musts, or condensed musts, or under any names designating pure wines, or pure musts as hereinbefore classified and defined, or branded,

Unlawful sale of impure wines.

labeled, or designated in any way as wine or musts, or by any name popularly and commercially used as a designation of wine produced from grapes, such as claret, burgundy, hock, sauterne, port, sherry, madeira, and angelica, any substance, or compound, except pure wine, or pure grape must or pure grape condensed must, as defined by this Act, and produced in accordance with and subject to restrictions herein set forth; *provided*, that this Act shall not apply to liquors imported from any foreign country, which are taxed upon entry by custom laws in accordance with a specific duty, and contained in original packages or vessels, and prominently branded, labeled, or marked, so as to be known to all persons as foreign products, excepting, however, when such liquor shall contain adulterations of artificial coloring matters, antiseptic chemicals, or other ingredients known to be deleterious to the health of consumers; *and provided further*, that this Act shall not apply to currant wine, gooseberry wine, or wines made from other fruits than the grape, which are labeled or branded and designated, and sold, or offered or exposed for sale under names, including the word wine, but also expressing distinctly the fruit from which they are made, as gooseberry wine, elderberry wine, or the like. Any violation of any of the provisions of any of the preceding sections shall be a misdemeanor.

Proviso.

Further proviso.

Excepting champagne and sparkling wine.

Penalty.

Labels.

Form of labels.

To whom furnished.

SEC. 5. Exceptions from the provisions of this Act shall be made in the case of pure champagne, or sparkling wine, so far as to permit the use of crystallized sugar in sweetening the same according to usual customs, but in no other respect.

SEC. 6. In all sales and contracts for sale, production, or delivery of products defined in this Act, such products, in the absence of a written agreement to the contrary, shall be presumed to be pure, as herein defined, and such sale or contracts shall, in the absence of such an agreement, be void, if it be established that the products so sold or contracted for were not pure as herein defined; and in such case the concealment of the true character of such products shall constitute actual fraud for which damages may be recovered, and in a judgment for damages, reasonable attorney fees, to be fixed by the Court, shall be taxed as costs.

SEC. 7. The Controller of the State shall cause to have engraved plates, from which shall be printed labels, which shall set forth that the wine covered by such labels is pure California wine, in accordance with this Act, and leaving blanks for the name of the particular kind of wine and the name or names of the seller of the wine and place of business. These labels shall be of two forms or shapes, one a narrow strip to cap over the corks of bottles, the other a round or square, and sufficiently large, say three inches square, to cover the bungs of packages in which wine is sold. Such labels shall be furnished upon proper application to actual residents, and to be used in this State only, and only to those who are known to be growers, manufacturers, traders, or handlers or bottlers of California wine; and such parties will be required to file a sworn statement with said Controller, setting forth that his or their written application for such labels is and will be for

his or their sole use and benefit, and that he or they will not give, sell, or loan such label to any other person or persons whomsoever. Such labels shall be paid for at the same rate and price as shall be found to be the actual cost price to the State, and shall be supplied from time to time as needed upon the written application of such parties as are before mentioned. Such label, when affixed to bottle or wine package, shall be so affixed that by drawing the cork from bottle or opening the bung of package, such label shall be destroyed by such opening; and before affixing such labels all blanks shall be filled out, by stating the variety or kind of wine that is contained in such bottle or package, and also by the name or names and Post Office address of such grower, manufacturer, trader, handler, or bottler of such wine.

Price of labels.

Manner of affixing label.

SEC. 8. It is desired and required that all and every grower, manufacturer, trader, handler, or bottler of California wine, when selling or putting up for sale any California wine, or when shipping California wine to parties to whom sold, shall plainly stencil, brand, or have printed where it will be easily seen, first, "Pure California wine," and secondly his name, or the firm's name, as the case may be, both on label of bottle or package in which wine is sold and sent; or he may in lieu thereof, if he so prefers and elects, affix the label which has been provided for in section seven. It shall be unlawful to affix any such stamp or label as above provided to any vessel containing any substance other than pure wine as herein defined, or to prepare, or use on any vessel containing any liquid, any imitation or counterfeit of such stamp, or any paper in the similitude or resemblance thereof, or any paper of such form and appearance as to be calculated to mislead or deceive any unwary person, or cause him to suppose the contents of such vessel to be pure wine. It shall be unlawful for any person or persons, other than the ones for whom such stamps were procured, to in any way use such stamps, or to have possession of the same. A violation of any of the provisions of this section shall be a misdemeanor, and punishable by fine of not less than fifty dollars and not more than five hundred dollars, or by imprisonment in the county jail for a term of not exceeding ninety days, or by both such fine and imprisonment. All moneys collected by virtue of prosecutions had against persons violating any provisions of this or any preceding sections, shall go, one half to the informer, and one half to the District Attorney prosecuting the same.

Pure California wine.

Unlawful use of stamps.

Crime and punishment.

Distribution of moneys collected.

SEC. 9. It shall be the duty of the Controller to keep an account, in a book to be kept for that purpose, of all stamps, the number, design, time when, and to whom furnished. The parties procuring the same are hereby required to return to the Controller semi-annual statements, under oath, setting forth the number used, and how many remains on hand. Any violation of this section, by the person receiving such stamps, is a misdemeanor.

Controller to keep record of stamps.

SEC. 10. It shall be the duty of any and all persons receiving such stamps to use the same only in their business, in

Use and disposition of stamps.

no manner or in nowise to allow the same to be disposed of except in the manner authorized by this Act; to not allow the same to be used by any other person or persons. It shall be their duty to become satisfied that the wine contained in the barrels or bottles is all that said label imports as defined by this Act. That they will use the said stamps only in this State, and shall not permit the same to part from their possession, except with the barrels, packages, or bottles upon which they are placed as provided by this Act. A violation of any of the provisions of this section is hereby made a felony.

Defining
crime for
violation.

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

CHAPTER XXXVII.

An Act to amend section four hundred and eight of the Code of Civil Procedure of the State of California, relating to the issuing of alias summons.

[Approved March 8, 1887.]

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

SECTION 1. Section four hundred and eight of the Code of Civil Procedure of the State of California is amended as follows:

Manner and
time of issu-
ing alias
summons.

408. If the summons is returned without being served on any or all of the defendants, or if it has been lost, the Clerk, upon the demand of the plaintiff, may issue an alias summons in the same form as the original; *provided*, that no such alias summons shall be issued after the expiration of one year from the date of the filing of the complaint.

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

CHAPTER XXXVIII.

An Act to appropriate money for the erection of a monument at the grave of J. W. Marshall, deceased, the discoverer of gold in California.

[Approved March 8, 1887.]

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

Appropriation.
Marshall monument.

SECTION 1. There is appropriated, out of the moneys in the General Fund of the State, the sum of five thousand dollars, to erect a monument to the memory of James W. Marshall, over his grave at Coloma, El Dorado County, State of California.

SEC. 2. The Controller is hereby authorized to draw his warrant for said amount, at the request of a Board of Commissioners, to consist of three citizens of the State of California, who shall be named by the Governor of the State of California within thirty days after this Act shall have effect.

Board of Commissioners.

Governor appoints.

SEC. 3. The said Board is hereby authorized to erect a suitable monument to carry out the purposes of this Act, at an expense not to exceed five thousand dollars.

Authority of Board.

SEC. 4. This Act shall have effect immediately.

CHAPTER XXXIX.

An Act to provide that in all cities of over ten thousand inhabitants, the Mayor, or other chief executive, shall not be required to act as City Judge, or ex officio Judge of the City Court, or as Justice of the Peace; to provide for the abolishment of such City Court, and for the transfer of the business and properties of said City Court to the Justice of the Peace of such cities, and to require such Justice to finish such business, and to repeal all special Acts in conflict herewith.

[Approved March 8, 1887.]

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

SECTION 1. In cities of over ten thousand inhabitants, the Mayor, or other chief executive thereof, shall not be required to act as Justice of the Peace, or to hold a City Court, or to act as ex officio City Judge, or to perform any of the duties of Judge of the City Court; and all City Courts created by law to be held by such Mayor, or other chief executive of such cities, are hereby abolished.

Defining duties of Mayor. Cities over 10,000 inhabitants.

SEC. 2. All books, dockets, files, documents, papers, and properties of every kind whatsoever belonging to such City Court, shall be transferred to the Justice of the Peace of said city, provided for by law, to hold the Police Court of such city, or if there be no such Police Court therein, then to such Justice of the Peace therein as may be designated for such purpose by the Mayor thereof; and such Justice of the Peace shall have jurisdiction of all matters heretofore brought in such City Court, or of which said City Court had jurisdiction; and it shall be his duty to collect all fines and charges required by law to be collected by such City Court, and to account for and pay the same over to the Treasurer of said city in the same manner and at the same times and under such terms and conditions as heretofore required of and by said City Court. Said Justice of the Peace shall complete all such unfinished business as may be transferred to him from said City Court under the provisions hereof, in the same manner as heretofore required of said City Court.

Transfer of books, etc., to Justice Peace.

Duties of Justice Peace.

SEC. 3. The provisions of all Acts and every special Act

of the Legislature which conflict in anywise with this Act are each and every one hereby repealed.

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

CHAPTER XL.

An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-sixth fiscal year.

[Approved March 8, 1887.]

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

Appropriations.
Claims of
Langhorne &
Miller, and
Lewis &
Johnston.

SECTION 1. The sum of five hundred and thirty-seven and thirty one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-sixth fiscal year, to pay the claims of Langhorne & Miller, and Lewis & Johnston.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLI.

An Act to authorize the Common Councils and Boards of Supervisors of the several cities, counties, and cities and counties in this State to levy taxes for the maintenance of public parks, having an area of over ten acres each, within their respective limits.

[Approved March 8, 1887.]

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

Improvement public
parks.

SECTION 1. The Common Council and the Board of Supervisors of any city, county, or city and county, of this State, are hereby authorized and empowered to levy a yearly tax of not to exceed three cents upon every one hundred dollars assessed valuation of property, real and personal, in such city, county, or city and county, for the purpose of maintaining and improving any public park or parks, having an area of ten acres each, therein situated.

Manner of
collecting
tax.

SEC. 2. All moneys arising from the tax authorized to be levied by the preceding section, shall be collected by the Tax Collector of the city, county, or city and county wherein said park or parks may be situated, and shall be kept by the Treasurer of said city, county, or city and county, subject only to the order of the public officer or officers, or Board or

Commissioner, having legal charge and control of the management and maintenance of said park or parks.

SEC. 3. The terms Common Council and Board of Supervisors are hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city, county, or city and county.

Defining terms of Common Council and Boards Supervisors.

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

CHAPTER XLII.

An Act to amend an Act giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled by the persons who employ them, approved March 30, 1878, by making applicable thereto section eleven hundred and ninety-five (1195) of the Code of Civil Procedure, concerning consolidation of separate actions.

[Approved March 8, 1887.]

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

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

Loggers' and laborers' liens.

Section 7. Sections five hundred and thirty-nine, eleven hundred and eighty-nine, eleven hundred and ninety-five, eleven hundred and ninety-seven, eleven hundred and ninety-eight, and eleven hundred and ninety-nine of the Code of Civil Procedure are hereby made applicable to this Act.

SEC. 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAPTER XLIII.

An Act to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

[Approved March 8, 1887.]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for permanent improvements at the California Home for the Care and Training of Feeble-Minded Children.

Appropriation. Feeble-minded children.

How to be
expended.

SEC. 2. The said money shall be expended in completing present and erecting additional buildings, and providing for lighting the same; in laying out, fencing, sewerage, and improving the grounds, and planting the same with trees. It shall be expended under the direction and supervision of the Board of Trustees of said Home, in whose favor the Controller shall draw his warrant, from time to time, as the work shall progress, upon the requisition of the said Board for the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XLIV.

An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

[Approved March 8, 1887.]

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

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

Designating
civil execu-
tive officers.

343. The number and designation of the civil executive officers are as follows: A Governor; a Private Secretary for the Governor; an Executive Secretary for the Governor; a Secretary for the Board of Examiners; a Lieutenant-Governor; a Secretary of State; a Deputy Secretary of State; a Bookkeeper for the Secretary of State; two Recording Clerks for the Secretary of State; a Controller; a Deputy Controller; a Bookkeeper for the Controller; five clerks for the Controller; a Treasurer; a Deputy Treasurer; a clerk for the Treasurer; an Attorney-General; a Deputy Attorney-General; a Surveyor-General, who shall be ex officio Register of the State Land Office; a Deputy Surveyor-General; one clerk for the Surveyor-General; two clerks for the Register; a Superintendent of Public Instruction; a Deputy for the Superintendent of Public Instruction; a Superintendent of State Printing; an Inspector of Gas Meters; a Vaccine Agent; a Commissioner of Immigration; an Insurance Commissioner; a Deputy for the Insurance Commissioner; three State Capitol Commissioners; four Port Wardens for the Port of San Francisco; a Port Warden for each port of entry except San Francisco; three State Harbor Commissioners; three Harbor Commissioners for the Port of Eureka; six Pilots for each harbor where there is no Board of Pilot Commissioners; three members of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar; three Fish Commissioners; a President and twelve Directors of the State Board of Agriculture; four members of the State Board of Equalization; a Clerk of the Board of Equalization; three

members of the State Board of Railroad Commissioners; a Secretary of the State Board of Railroad Commissioners; a Bailiff of the State Board of Railroad Commissioners; seven members of the State Board of Health; five members of the San Francisco Board of Health; five members of the Sacramento Board of Health; twenty-two Regents of the University of California; three members of the State Board of Education; seven Trustees of the State Normal School; five Trustees of the State Library; a State Librarian; two Deputies for the State Librarian; a Librarian for the Supreme Court Library; five Directors of the State Prisons; two Wardens of the State Prisons; two Clerks of the State Prisons; five Directors for the Insane Asylum at Stockton; five Directors for the Insane Asylum at Napa; a Medical Superintendent of the Insane Asylum at Stockton; two Assistant Physicians of the Insane Asylum at Stockton; a Resident Physician of the Insane Asylum at Napa; one First Assistant Physician of the Insane Asylum at Napa; *provided*, when the number of patients shall increase to six hundred, the Trustees may elect one additional Second Assistant Physician, with the same pay and emoluments as the First Assistant Physician; a Treasurer of the Insane Asylum at Stockton; a Treasurer of the Insane Asylum at Napa; five Trustees of the Asylum for the Deaf and Dumb and the Blind; three Trustees of the State Burying Grounds; nine Commissioners of the Yosemite Valley and the Mariposa Big Tree Grove; such other officers as fill offices created by or under the authority of general laws for the government of counties, cities, and towns, or of the charters or special laws affecting the same, or of the health, school, election, road, or revenue laws.

Designating
civil executive
officers.

CHAPTER XLV.

An Act making an additional appropriation for rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

[Approved March 8, 1887.]

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 rent, furniture, and contingent expenses of Insurance Commissioner, for the thirty-eighth fiscal year.

Appropriation for
Insurance
Commissioner.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVI.

An Act to provide for the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year.

[Approved March 8, 1887.]

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

Appropriation for advertising, 38th fiscal year.

SECTION 1. The sum of ten thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for official advertising, for the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVII.

An Act to amend section three thousand seven hundred and two of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Equalization, its traveling expenses, and making an appropriation therefor.

[Approved March 8, 1887.]

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

SECTION 1. Section three thousand seven hundred and two of the said Act to establish a Political Code is amended so as to read as follows:

Appropriation. Traveling expenses Board Equalization.

3702. The members of the Board are entitled to their actual traveling expenses, and for contingent clerical assistance while traveling, incurred by them in the discharge of their duties, the amount to be audited and allowed by the Board of Examiners; and the sum of five thousand dollars for each fiscal year is hereby continuously appropriated out of the General Fund of the State Treasury, to pay the same. The Secretary of State must assign an office for the Board in the State Capitol, in which must be transacted all its business, except as it in its nature must be transacted elsewhere. He must supply it with stationery, fuel, and light, and the Superintendent of State Printing must execute its orders for printing.

Office State Capitol.

Orders for printing.

CHAPTER XLVIII.

An Act to increase the number of Judges of the Superior Court of the County of Fresno, State of California, and for the appointment of an additional Judge.

[Approved March 8, 1887.]

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

SECTION 1. The number of the Judges of the Superior Court of the County of Fresno, State of California, is hereby increased from one to two. One additional Judge.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint one additional Judge of the Superior Court of the County of Fresno, State of California, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and eighty-nine. At the next general election, one Judge of the Superior Court of said county shall be elected in said county, who shall be the successor of the Judge appointed hereunder, to hold office for the term by the Constitution and by law. Governor appoint. Term of office. Election of Judge.

SEC. 3. The salary of said additional Judge shall be the same in amount, and paid at the same time and in the same manner as the salary of the other Judge of the Superior Court of said county now authorized by law. Salary.

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

CHAPTER XLIX.

An Act to amend section six hundred and fifty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the State Board of Examiners, its Secretary, and making an appropriation for his salary.

[Approved March 9, 1887.]

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

SECTION 1. Section six hundred and fifty-four of an Act entitled an Act to establish a Political Code, is amended so as to read as follows:

654. The Governor, and in his absence the Secretary of State, is Chairman of the Board of Examiners. The Governor shall appoint a Secretary, to hold office during his pleasure, whose salary is eighteen hundred dollars per annum, payable as the salary of other State officers. He is an executive officer attached to the Governor's office; is authorized to administer oaths, and shall perform such duties, other Chairman. Secretary and salary. Duties.

than Secretary, as may be assigned him by the Governor from time to time.

SEC. 2. So much of sections three hundred and forty-three and three hundred and eighty-five of the said Political Code, so far as the same conflict with the provisions of said section six hundred and fifty-four of an Act to establish a Political Code, is hereby repealed.

Appropriation. Salary of Secretary, 38th fiscal year.

SEC. 3. The sum of seven hundred and fifty dollars is hereby appropriated, out of the General Fund of the State Treasury, for the payment of the salary of the Secretary of the Board of Examiners, during the thirty-eighth fiscal year.

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

CHAPTER L.

An Act to amend an Act entitled "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, by amending sections one and two thereof.

[Approved March 9, 1887.]

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

SECTION 1. Section one of an Act entitled "An Act to 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 third, eighteen hundred and eighty-five, is hereby amended so as to read as follows:

License from Board Health.

Section 1. It shall not be lawful for any person to carry on business, or labor as a master or journeyman plumber, in any incorporated city, or in any city and county, in this State, until he shall have obtained from the Board of Health of said city, or city and county, a license authorizing him to carry on business, or labor as such mechanic. A license so to do shall be issued only after a satisfactory examination by the Board of each applicant upon his qualifications to conduct such business, or to so labor. All applications for license, and all licenses issued, shall state the name in full, age, nativity, and place of residence of the applicant or person so licensed. It shall be the duty of the Secretary of each Board of Health to keep a record of all such licenses issued, together with an alphabetical index to the same.

Qualifications.

Form of application.

Record of license issued.

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

Publish list in yearly report.

Section 2. A list of all licensed plumbers shall be published in the yearly report of the Health Officer or Board of Health.

SEC. 3. This Act shall take effect immediately.

CHAPTER LI.

An Act to grant to the United States certain tide lands, belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

[Approved March 9, 1887.]

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

SECTION 1. For the purpose of enabling the Government of the United States to construct a breakwater and otherwise improve the entrance to Humboldt Bay, the State of California hereby grants to the Government of the United States certain tide lands hereinafter described; and the Governor of the State is hereby authorized and directed to cause to be executed a patent from the State of California conveying said lands to the United States.

Governor directed to convey lands. Improvement entrance to Humboldt Bay.

SEC. 2. The lands referred to in section one of this Act are located in Humboldt County, and described as follows: Beginning at the southwest corner of the northwest quarter of section seven, township four, range one west, Humboldt meridian, and running north seven and twenty-two one hundredths chains, to the high water line; thence north sixty-seven degrees forty minutes east, sixteen and sixty-one one hundredths chains; thence north fifty-seven degrees west, nine chains; thence north seventy-six degrees forty minutes east, twelve chains; thence south eighty-four degrees fifty-five minutes east, eleven chains; thence north seventy-two degrees twenty minutes east, fourteen chains; thence south seventy-three degrees thirty-two minutes east, five chains; thence south twenty-two degrees fifty-five minutes west, two chains; thence south twenty-six degrees twenty-five minutes west, eight and fifty one hundredths chains; thence north thirty-three degrees twenty minutes west, to the high water line; thence north twenty-three degrees seventeen minutes east, five and fifteen one hundredths chains; thence north fifteen degrees west, four and fifty-four one hundredths chains; thence south eighty-two degrees twenty-five minutes west, twenty-five and forty-five one hundredths chains, to the point of beginning, and containing twenty-four and twenty-five one hundredths acres, more or less.

Description of lands to be conveyed to United States.

SEC. 3. This Act shall take effect immediately.

CHAPTER LII.

An Act appropriating 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-seventh session of the Legislature.

[Approved March 9, 1887.]

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

Appropriation. Per diem and mileage Senators 27th session Legislature.

SECTION 1. The sum of three 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 and mileage of the Lieutenant-Governor and Senators for the twenty-seventh 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.

CHAPTER LIII.

An Act to establish a Branch State Normal School in Northern California.

[Approved March 9, 1887.]

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

Northern Branch.

SECTION 1. There shall be established in the northern portion of this State a school to be called the Northern Branch State Normal School of California, for the training and educating of teachers in the art of instructing and governing the public schools of the State.

Trustees with power to select site north of Marysville.

SEC. 2. The Trustees of the State Normal School are hereby appointed and created Trustees of said Northern Branch Normal School, with full power to select a site for the permanent location of said Northern Branch State Normal School in some county north of the City of Marysville. Said Trustees shall, within thirty days after the passage of this Act, examine the different sites offered by the people of the northern part of this State for the location of the Northern Branch Normal School buildings, and select therefrom a suitable location for said Branch State Normal School buildings, and the site selected by them shall be and remain the permanent site for the Northern Branch State Normal School. Said Trustees shall receive the same per diem and mileage as members of the Legislature, while engaged in the selection of the site, payable from the appropriation hereinafter contained, to

Examination of sites when to be made.

Per diem and mileage.

an amount not exceeding five hundred dollars; *provided*, that no buildings shall be erected for said school, until a deed in fee simple of the land selected by the Board of Trustees of the State Normal School shall be made to the State. Proviso.

SEC. 3. The sum of fifty thousand dollars is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, for the building of said Northern Branch State Normal School, and forwarding the same. Appropriation for building.

SEC. 4. The Controller of State shall draw warrants from time to time as the work shall progress in favor of said Board of Trustees of the said State Normal School, upon their requisition for the same; *provided*, that the cost to this State for the erection of said Normal School buildings shall not exceed the amount herein appropriated. How to be expended. Proviso.

SEC. 5. Said Northern Branch State Normal School shall be governed and regulated by the same laws now governing and regulating the State Normal School. Laws of government.

SEC. 6. The said buildings shall be erected, and the moneys herein appropriated therefor expended, under the direction of the Board of Trustees of the State Normal School, and all labor performed upon said buildings shall be by the day's work. Labor by day's work.

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

CHAPTER LIV.

An Act to amend sections one thousand and thirty-three, one thousand and thirty-four, and one thousand and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the removal of criminal actions before trial.

[Approved March 9, 1887.]

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

SECTION 1. Section one thousand and thirty-three of the Penal Code is amended to read as follows:

1033. A criminal action may be removed from the Court in which it is pending: Pending criminal action removed from Court.

First—On the application of the defendant, on the ground that a fair and impartial trial cannot be had in the county where the action is pending. How.

Second—On the application of the District Attorney, on the ground that from any cause no jury can be obtained for the trial of the defendant in the county where the action is pending.

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

1034. The application must be made in open Court and in writing, verified by the affidavit of the defendant or of the District Attorney, as the case may be, a copy of which application must be served upon the attorney of the adverse Manner of making the application.

Application by defendant's attorney. party at least one day prior to the hearing of the application. Whenever the affidavit of the defendant shows that he cannot safely appear in person to make such application because popular prejudice is so great as to endanger his personal safety, and such statement is sustained by other testimony, such application may be made by his attorney, and shall be heard and determined in the absence of the defendant, notwithstanding the charge then pending against him be a felony, and he has not at the time of such application been arrested or given bail, or been arraigned, or pleaded, or demurred to the indictment or information.

Duties of Court. SEC. 3. Section one thousand and thirty-five of said Code is amended to read as follows:

1035. If the Court be satisfied that the representations of the applicant are true, an order must be made transferring the action to the proper Court of some convenient county free from a like objection.

Actions pending date of Act. SEC. 4. The provisions of this Act shall not apply to criminal actions pending at the date of the passage of this Act.

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

CHAPTER LV.

An Act making an appropriation for the support and maintenance of the State Mining Bureau, for the thirty-ninth and fortieth fiscal years.

[Approved March 9, 1887.]

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

Appropriation. Support of Mining Bureau. SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated; for the support and maintenance of the Mining Bureau created under an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty, and the Act supplementary thereto, approved March twenty-first, eighteen hundred and eighty-five; and at least fifty per cent of this appropriation shall be used for geological work in the field.

Geological works.

How expended.

SEC. 2. Not more than one half of the said sum appropriated under this Act shall be expended during the thirty-ninth fiscal year.

SEC. 3. This Act shall take effect immediately.

CHAPTER LVI.

An Act to amend an Act entitled an Act to amend an Act to incorporate the Town of Chico, Butte County, California, approved March 23, 1878.

[Approved March 9, 1887.]

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

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

Section 2. The corporate limits of the Town of Chico shall be and remain as heretofore known of said Town of Chico, as follows: Commencing at the westerly end of First or Front Street, where Oak Street intersects it, and following the north side of Front Street to its intersection with Sierra Avenue; thence along the north side of said avenue to Orient Street; thence along the east side of Orient Street in a southerly direction to the center of Little Chico Creek, at a point opposite Humboldt Avenue; thence down and along the center of Little Chico Creek, at a point opposite Oak Street, and thence along and with the west side of Oak Street to the place of beginning. Said town shall be divided into four wards, as follows: All that part of said town lying north of Fifth Street and east of Salem, shall constitute the First Ward; all lying south of Fifth Street and east of Salem, shall constitute the Second Ward; all lying south of Fifth Street and west of Salem, shall constitute the Third Ward; and all lying north of Fifth Street and west of Salem shall constitute the Fourth Ward. The Board of Trustees shall have power to change the boundaries of said wards; but no change shall be made within thirty days prior to any municipal election.

Defining limits of Town of Chico.

Wards.
First Ward.

Second Ward.
Third Ward.
Fourth Ward.

Power to change boundaries.

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

Section 4. On the first Monday of February of each year there shall be elected from and by the qualified electors of said town the successors of the Trustees then in office, and whose terms are about to expire, and the term of office of such successors shall be two years from and after the first Monday of March next succeeding their election. In case any vacancy shall occur in said Board of Trustees the same shall be filled by a vote of the majority of the remaining members of the Board, and said appointee shall hold his office until the next election of Trustees, when said office shall be filled for the unexpired term by election; at the election to be held in eighteen hundred and eighty-seven, there shall be elected one Trustee from the Fourth Ward; at the election to be held in eighteen hundred and eighty-eight, one Trustee shall be elected from the First Ward, and one at large; and at the election to be held in eighteen hundred and eighty-nine, a Trustee shall be elected from each the Second and Third Wards. It shall be the duty of the Trustees to cause

Time of electing Trustees.

Manner of filling vacancies.

Time for election of Trustees in different wards.

Printing of register.

to be printed, at least ten days prior to an election, the names of the qualified electors.

SEC. 3. Section eight of said Act is amended to read as follows, to wit:

Election of
Marshal.
Appoint-
ment Treas-
urer and po-
lice force.

Section 8. There shall be elected, at the annual election for Trustees for the Town of Chico, a Marshal. The Board of Trustees shall have power, and it shall be their duty, to appoint a Treasurer and the police force required, and to make such regulations governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered. The Marshal shall be ex officio

Salary of
Marshal as
ex officio
Assessor and
Collector.

Assessor and Collector, and shall receive two hundred dollars for the same, and shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes over to the Treasurer, taking his receipt therefor. He shall collect and pay over to the Treasurer all fines and costs levied and imposed, by reason of a violation of an ordinance of the town, and for such purpose shall have the power conferred by law

Defining
duties of
Marshal.

upon Constables. He shall arrest all persons against whom a warrant shall be directed and delivered to him from any Justice of the Peace or Police Judge of the town, and may arrest, without a warrant, any person actually engaged, in

Bonds.

his presence, in a violation of an ordinance. He shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duties, and shall receive, as compensation, seventy-five dollars per month, and said salary shall be provided for by the Board of Trustees, out of the General Fund of the town. He shall receive no other compensation for his services than that provided for in this section, except ten per cent upon all poll taxes collected by him. It shall be the duty of said Marshal to perform the duties of

Defining
duties of
Treasurer.

a day policeman. It shall be the duty of the Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board, signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation one

Bonds.
Salary.

month before the annual election, and at such times as the Board may require. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and shall receive, as compensation for his services, an annual salary of such sum as the Board may award him, not to exceed one hundred dollars per annum.

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

Quorum.

Section 9. A majority of the Trustees shall constitute a quorum to do business, but no ordinance, resolution, or order shall have any validity unless passed by the votes of three of the Trustees voting in favor thereof. They shall be allowed no compensation for their services.

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

Section 10. The Board of Trustees shall have power:

First—To make ordinances for the government of said

town not repugnant to the Constitution and laws of this State.

Second—To levy and collect annually for the current expenses of said town a tax not exceeding three fourths of one per cent upon the assessed valuation of all the property, both real and personal, owned within said town, and also when any indebtedness shall be incurred as provided in this Act, to levy and collect an additional tax of not exceeding three eighths of one per cent to pay the interest thereon and to provide a sinking fund to pay the principal within twenty years from the time of incurring such indebtedness.

Levying and collecting of annual tax.

Sinking fund.

Third—To impose and collect a road poll tax, not to exceed two dollars per annum, on each male inhabitant of said town of the age of twenty-one years and upwards, and no other road poll tax shall be collected within the limits of said town.

Road poll tax.

Fourth—To impose and collect a tax, not to exceed two dollars per annum, on every dog owned within the limits of said town, and no other dog tax shall be collected in said town.

Dog tax.

Fifth—To establish and alter fire limits; to erect, purchase, or lease proper buildings for a fire department; to purchase, hold, and maintain one or more fire engines, and such apparatus and implements for the prevention and extinguishment of fires as may be necessary, and to establish, regulate, and control a fire department in said town.

Fire limits.

Sixth—To regulate the storage of gunpowder, tar, pitch, rosin, and other explosive or combustible materials; to regulate the erection of steam boilers and engines, and to prohibit the erection thereof in places deemed dangerous to inhabitants of said town.

Regulating storage of explosives.

Seventh—To determine what are nuisances; to prevent, remove, or abate the same at the expense of the party causing such nuisance; to control and regulate soap and glue works, slaughter houses, tanneries, and other offensive trades, and to provide for their exclusion or removal from the town or any part thereof.

Regulating nuisances.

Eighth—To prevent any or all domestic animals from running at large within the limits of said town, either all or a portion of the time; to prevent the leaving of animals in any street or alley without securely fastening the same; to prohibit the fastening to or otherwise destroying or injuring any fence, gate, or building, lamp-post, hydrant, tree, or case around a tree in said town, and to regulate and prohibit fast driving in any portion of the town.

Domestic animals at large.

Ninth—To provide for the regulation and prevention of contagious diseases; to provide and enforce regulations for the protection of health and cleanliness; to control and regulate interments, and to provide for the prevention and summary removal of all filth and garbage.

Regulating contagious diseases.

Tenth—To establish a pound and Poundkeeper, and prescribe his duties and fees; to provide for a public sale by the Poundkeeper of all animals that shall be impounded; to provide when and what animals shall be impounded; to

Duties and fees of Poundkeeper.

provide for the repayment to the owner within a limited time of the money arising at sale of impounded animals, less such cost as the Board may provide.

Railroad
trucks.

Eleventh—To permit the laying of railroad tracks, and the running of cars drawn by horse or steam thereon, making such prohibition and restrictions as the safety of the town may demand, and to fix and regulate the rate of speed at which cars drawn either by horse or steam may be run within the town limits.

Firearms.

Twelfth—To prevent the discharge of pistols, firearms, fire-works, or cannon within prescribed limits.

Town
prisons.

Thirteenth—To establish, alter, and repair town prisons, and regulate the same; to provide for the care, feeding, and clothing of town prisoners; to provide for the formation of a chain-gang of persons convicted of crimes and misdemeanors, and their employment for the benefit of the town, and to provide for the arrest and compulsory working of vagrants.

Markets.

Fourteenth—To establish and regulate markets and market places.

Houses of
ill-fame, etc.

Fifteenth—To prohibit and suppress all houses of ill-fame and prostitution, dance houses, fandango houses, cock fights, bull fights, dog fights, and all exhibitions and amusements which are against good morals and public decency.

Regulating
places of
public
amusement.

Sixteenth—To fix and collect a license tax on all shows, theatrical and circus performances, and all other performances where an admission fee is charged, or which may be held in a place where wines or liquors may be sold to the participants; and on all billiard tables and bowling alleys, and to regulate and restrain the same; *provided*, that no license imposed under this clause shall exceed twenty dollars per quarter.

Regulating
license tax.

Seventeenth—To regulate and fix the rate and collect a license tax upon all kinds of business, employments, trades, or occupations of a lawful nature carried on within the town limits; *provided*, that no license imposed by the Board under this clause shall exceed fifty dollars per quarter of three months, excepting the hotel license, which shall not exceed twenty-five dollars per quarter.

Gambling.
Penalty.

Eighteenth—To prohibit and suppress gambling, and to provide a penalty, not exceeding five hundred dollars fine, or six months' imprisonment, for a conviction under the ordinances made for such purpose.

Public
buildings

Nineteenth—To purchase or lease such real or personal property, and to erect such buildings as may be necessary for town officers and a town prison, or, for the interests of said town, to sell, convey, or mortgage the same when deemed necessary by said Board.

Waterworks.

Twentieth—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the town with water; to provide for the establishment, regulation, and maintenance of waterworks, and to grant permission to lay water pipes in the streets of said town, with such restrictions and prohibitions as the interests of the town may demand.

Lighting
streets.

Twenty-first—To provide for and regulate the lighting of the streets of said town.

Twenty-second—To lay out streets and alleys, to declare any streets now open, or which may be hereafter opened, public streets; to determine the width and grade of all streets, alleys, and sidewalks in said town; to regulate and direct the planting of shade trees on the streets of said town, and to provide for draining the same. Regulation of highways.

Twenty-third—To provide for the improvement and repair of streets, and the construction, improvement, and repair of sidewalks, in the manner hereinafter provided in this Act, or the Act of which this is amendatory. Improvement of streets.

Twenty-fourth—To provide when, and at what places on the streets of said town, crossings may be made, to remove the same, and to regulate and prescribe the manner of construction thereof, and of what materials to be made. Street crossings.

Twenty-fifth—To provide for inclosing, improving, and regulating all public grounds at the expense of the town. Public grounds.

Twenty-sixth—To provide for the good order of the town, and appoint special policemen when necessary. Special policemen.

Twenty-seventh—To provide for the numbering of all buildings facing on the streets of said town. Numbering buildings.

Twenty-eighth—To order paid any final judgment against said town; but none of the lands, or property of any kind or nature, taxes, revenues, franchises, or interests, shall be attached, levied upon, or sold in or under any process whatever. Judgment against town.

Twenty-ninth—The Board of Trustees shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city and town taxes not inconsistent with the provisions of this Act and the law for assessment and collection of State and county taxes, which system shall conform as nearly as the circumstances of the case may permit to the provisions of the laws of this State in reference to the assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first Monday in March of each year, which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds thereof, under such regulations as may be prescribed by ordinance or by actions in any Court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law, for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes or special assessment, under the provisions of this Act, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes. Levying and collecting taxes.

Provido. Sale of property for taxes.

SEC. 6. Section twelve of said Act is hereby amended to read as follows, to wit: Incurring indebtedness.

The Board of Trustees shall have no power to incur

or create 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 the purpose, nor unless before or at the time of incurring such indebtedness provisions 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. If at any time the Board of Trustees shall deem it necessary to incur any indebtedness, they shall give notice of a special election by the qualified electors of the town, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for interest and sinking fund as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published in said town, and no other question shall be submitted to the electors at such election. If two thirds of the qualified electors voting at election shall have voted in favor of incurring such indebtedness, the Board of Trustees may pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provisions shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within said town, 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; but nothing herein contained shall be considered as authorizing said town to incur any indebtedness that the rate of taxation for said purpose, as provided in section five of this Act, shall not be sufficient to pay the interest thereon as it accrues, and provide a sinking fund for the payment of the principal thereof as herein provided, and all indebtedness incurred contrary to the provisions hereof shall be absolutely void.

Special
election.

Publication
of notice.

SEC. 7. Section thirty-two of said Act is hereby amended to read as follows, to wit:

Police
Judge; fines
collected.
Salary.

Section 32. The Police Judge shall pay over all fines collected by him for breaches of ordinances to the Town Treasurer, taking his receipt therefor. The Police Judge's salary shall be fixed by the Board of Trustees; *provided*, such salary shall not be greater than twenty-five dollars per month.

SEC. 8. This Act shall take effect immediately.

CHAPTER LVII.

An Act to provide for the government and management of the "California Home for the Care and Training of Feeble-Minded Children."

[Approved March 9, 1887.]

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

SECTION 1. The "California Home for the Care and Training of Feeble-Minded Children" is under the control of a Board of five Trustees appointed by the Governor, by and with the advice and consent of the Senate, whose term of office is four years, and until their successors are appointed and qualified. Women may be Trustees, officers, or employes in said institution. All vacancies in said Board shall be filled by appointment by the Governor. If the vacancies occur by reason of the expiration of the term of office of any Trustee, then his successor shall hold for a term of four years. If the vacancy occur by reason of resignation, death, or removal, or any way other than by expiration of term, the Governor shall fill the place by appointment for the unexpired term. The appointment of every Trustee whose term of office has not expired when the Legislature next convenes after his appointment, shall be submitted to the Senate for confirmation. Nothing herein shall be construed to affect the tenure of office of the present Board of Trustees.

Board Trustees. Governor appoint. Term of office.

Women as Trustees.

Vacancies filled by Governor.

Senate confirm.

SEC. 2. The Trustees shall qualify by taking the usual oath of office, and one of their number shall be President, to be selected by the Board and to hold office for one year. They shall receive no compensation for their services, but shall receive their necessary expenses while in the performance of official business.

Organization of Board.

Compensation. Necessary expenses.

SEC. 3. The Board 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 devisor, 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.

Donations held in trust. Powers of Board.

SEC. 4. The 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 his accounts at the close of the fiscal year, and make

Treasurer. Bond.

Manner of keeping accounts.

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.

Rules and regulations.

SEC. 5. 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. The Board shall fix the compensation of all officers and employes of the institution or Home, and may require bonds if they deem it desirable, and shall fix the amount and determine the sufficiency thereof.

Compensation of officers. Bonds.

Superintendent, salary of. Bond.

SEC. 6. The Board shall appoint a Superintendent, whose annual salary shall be twenty-four 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 ten thousand dollars, with sureties to the satisfaction of the Board of Trustees, for the faithful performance of all duties. The Superintendent shall be 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. He shall also be ex officio Secretary of the Board of Trustees, and shall perform such duties as Secretary as the Board may direct. The Board shall appoint a Matron, and fix her salary, not exceeding nine hundred dollars per annum, and it

Superintendent, chief executive officer. Duties of.

Matron, salary of.

Dismissal of subordinates.

may remove either 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, and shall prescribe their several duties and places. 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 expense, and is authorized and enjoined to maintain salutary discipline among all who are employed by the institution or Home, 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

Discipline.

Submission to Board of Superintendent's accounts.

that all such accounts and records are fully made up to the date of each half fiscal year, and that the principal facts and results, with an official report thereon, is 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.

Acts of Superintendent subject to approval of Board. Superintendent as official correspondent. General accountability of Superintendent.

SEC. 7. Whenever a parent, or guardian, or any person charged with the support of any child, shall desire the same to be admitted into the "California Home for the Care and Training of Feeble-Minded Children," he may appear before and petition the Court, or a Judge thereof, in the county in which he resides, for an order for the admission of said child into said Home. The Court or Judge shall inquire into the condition and status of said child, and if he find that the same is imbecile, or feeble-minded, between the age of five and twenty-one years, incapable of receiving instruction in the common schools, and has been a resident of the State for one year next preceding the date of the petition, he shall make an order that said child be received into, and maintained and educated in said Home; and upon the presentation of such order the Superintendent shall receive such child into said Home; *provided*, the Home be not already full, or the fund available to said Home be not exhausted. The Court or Judge shall also inquire into the financial condition of the parent, or guardian, or person charged with the support of such child, and if he find him able, in whole or in part, to pay the expenses of such child at said Home, he shall make a further order requiring such parent, guardian, or person charged with the support of said child, to pay to the said Home; at stated periods, such sums as in the opinion of the Court or Judge thereof he may deem proper, during such time as the child may remain in said Home. This order may be enforced by such order or orders as the Court or Judge thereof may deem necessary, and may be varied, altered, or revoked, in the discretion of the Court, or Judge thereof. But the Board may return to its parent or guardian any child who has been an inmate of said Home for the period of two months.

Mode of obtaining admission.

Judicial inquiry as to right of entry of applicants.

Proviso.

Where financially able, parent or guardian liable for maintenance.

Dismissal of inmates.

SEC. 8. If the capacity of the Home allows the reception of any additional pupils, the Trustees may admit younger or older persons of the 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. The Board of Trustees may admit into said Home any inmate for life upon such terms of donations, bequest, or

Admission of additional applicants.

Rate of compensation.

Life membership and terms.

grants as they may deem best and just under the circumstances, or for the best interests of the Home.

Objects of
"Home" and
Trustees'
duties in ful-
filling same.
Employment
of teachers.

SEC. 9. 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.

Contracts for
supplies,
limited to
one year.

SEC. 10. 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 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 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 consecutive 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 where the Home shall be located.

Conditions
of bid.

Publication
of notice for
bids.

Trustees
report to
Governor.

SEC. 11. The Trustees, on or before 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 for the preceding State fiscal year.

Recapitula-
tion by Su-
perintendent
as to number
of inmates
and their
condition.

SEC. 12. 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, 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 each paying pupil, 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 kept on file in the office of the Secretary of the Board, but shall not be printed.

Trustees to
visit Home
monthly and
report on its
condition.

SEC. 13. There shall be visitations and thorough examinations of all the 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 made a detailed statement of the condition of the Home, signed by the Trustee or Trustees making the statement, and placed on file, which statement shall at all times be open to the inspection of leg-

islative 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. Certifying to accounts.

SEC. 14. No bill shall be paid except upon accounts, certificates, or vouchers, duly certified by the Superintendent and approved by the Board of Trustees. Payment of claims.

SEC. 15. An Act entitled "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 eighteenth, eighteen hundred and eighty-five, is hereby repealed. Repealed.

SEC. 16. This Act shall take effect immediately.

CHAPTER LVIII.

An Act to provide for the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-eighth fiscal year.

[Approved March 9, 1887.]

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

SECTION 1. The sum of two thousand four hundred dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, for the thirty-eighth fiscal year. Appropriation to pay salary Deputy Supreme Court Reporter, 38th fiscal year.

CHAPTER LIX.

An Act to provide for deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, during the thirty-seventh fiscal year.

[Approved March 9, 1887.]

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

SECTION 1. The sum of twenty-four hundred dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salary of Deputy Supreme Court Reporter, for the thirty-seventh fiscal year. Appropriation to pay salary Deputy Supreme Court Reporter, 37th fiscal year.

CHAPTER LX.

An Act to provide for the removal of the mineral cabinet from the State Library.

[Approved March 9, 1887.]

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

Governor
appoint.

SECTION 1. Within thirty days after the passage of this Act the Governor shall appoint a Board of Trustees, consisting of three persons, which shall be known as the Trustees of the Mineral Cabinet.

Duties of
Board of
Trustees.

SEC. 2. It shall be the duty of said Board of Trustees, within thirty days after their appointment, to select a place in the Crocker Art Gallery building, where the said cabinet shall be located, and to remove the same there. The location shall be made with a view to the safety of said cabinet from destruction, and to keeping the same open for inspection by the public; but no expense to the State shall be incurred either for room rent or care of the same.

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

CHAPTER LXI.

An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, of the thirty-seventh fiscal year.

[Approved March 9, 1887.]

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

Appropriation. Claims of Langhorne & Miller, Waymire & Baggett, and Clarken & Devlin.

SECTION 1. The sum of two thousand three hundred and twenty-nine and five one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year, to pay the claims of Langhorne & Miller, Waymire & Baggett, and Clarken & Devlin.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXII.

An Act to amend section six of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

[Approved March 9, 1887.]

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

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

Section 6. The advertisement shall sufficiently designate the time, place, and mode of putting in bids, and when the time for bidding shall have expired, the bids shall be opened by the Commissioners of the Funded Debt Sinking Fund, in the presence of the Trustees of the city, and the said Commissioners shall, in the presence of the Board of Trustees, proceed to examine the bids made, and ascertain those which are, in their opinion, the most favorable to the interests of the city, and accept the same, or, if any or all the bids should be at too high a price, the Commissioners may reject all or any portion of such bids; *provided*, that no bids for the Sacramento City bonds shall be accepted at a higher price than par.

Advertisement for bids; where opened. Letting of bids.

Proviso.

CHAPTER LXIII.

An Act to provide for the payment of the rent of the chambers occupied by the Supreme Court Commissioners.

[Approved March 9, 1887.]

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

SECTION 1. The sum of three thousand one hundred and twenty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the rent of the chambers occupied by the Supreme Court Commissioners, said sum to cover the rent from the first day of June, eighteen hundred and eighty-five, to the first day of July, eighteen hundred and eighty-seven, and the State Controller is hereby ordered and directed to draw his warrant or warrants for the same in favor of the proper parties.

Appropriation. Supreme Court rents.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIV.

An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year.

[Approved March 9, 1887.]

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

Appropriation. Claims of W. T. Baggett, A. B. Dibble, and Attorney-General's office.

SECTION 1. The sum of eight hundred and twenty-one dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-eighth fiscal year, to pay the claims of W. T. Baggett, A. B. Dibble, and the Attorney-General's office.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXV.

An Act making an appropriation for the payment of claims of certain employes and other creditors of the State.

[Approved March 9, 1887.]

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

Appropriation. Pay claims employes and creditors State against Supreme Court.

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay certain claims against the Supreme Court of the State of California, incurred by virtue of section forty-seven, Code of Civil Procedure, said claims having been approved by the Justice of the Supreme Court and the State Board of Examiners, and warrants for the payment of the same having been issued by the Controller of State, but not paid to the respective claimants by the then Clerk of the Supreme Court. And the Controller of State is hereby ordered and directed to draw his warrants for the same in favor of the several claimants as appearing on the records of his office.

How to be paid.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVI.

An Act to provide for the deficiency in the appropriation for salaries of the Commissioners of the Supreme Court and their Secretary, for the thirty-eighth fiscal year.

[Approved March 9, 1887.]

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

SECTION 1. The sum of two thousand one hundred and twenty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salaries of the Commissioners of the Supreme Court and their Secretary for the thirty-eighth fiscal year.

Appropriation. Salaries Supreme Court Commissioners and Secretary.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVII.

An Act to amend sections twenty-six hundred and forty-one, twenty-six hundred and forty-two, and twenty-six hundred and forty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of highway officers, to the election, appointment of, and oath and bond of Roadmasters or Road Overseers.

[Approved March 9, 1887.]

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

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

2641. The Board of Supervisors of the several counties shall divide their respective counties into suitable road districts, and may change the boundaries thereof, and each Supervisor shall be ex officio Road Commissioner of the several road districts in his Supervisor District, and shall see that all orders of the Board of Supervisors pertaining to the roads in his district are properly executed; *provided*, when in any county the members of the Board of Supervisors thereof are not elected by districts, it shall be the duty of such Board, by proper order to be entered in its records, to divide such county into Supervisors Districts, to correspond with the number of members of such Board, and assign to each member thereof one of such districts, of which he shall be such Road Commissioner; *provided*, that no member of the Board of Supervisors shall receive any compensation for any services whatsoever performed by him, or required of him, under any

Supervisors ex officio Road Commissioner. Duties of.

Proviso.

No compensation allowed.

of the provisions of this chapter, other than his salary or per diem and mileage as a Supervisor.

Section twenty-six hundred and forty-two is hereby amended to read as follows:

Election of
Road Over-
seer; when
held.

2642. There must be elected in the several counties of this State, at the general election in the year eighteen hundred and eighty-eight, and every two years thereafter, one elector of each and every road district in the county, to act as Road Overseer in their respective districts, to hold office for two years, commencing on the first Monday after the first day of January next succeeding their election, or until their successors are elected and qualified. Such Road Overseers must give an official bond, in an amount to be fixed by the Board of Supervisors, conditioned for the faithful performance of all duties required by law or the orders of the Board of Supervisors, and take the usual oath of office. On or before the second Monday in July, eighteen hundred and eighty-seven, the several Boards of Supervisors of the respective counties of this State must, when such appointment has not already been made, upon a petition of not less than twenty taxpayers of the road district, and in case there be more than one petition, then upon the petition of the largest number of taxpayers of the road district, appoint one Road Overseer for each of the road districts in their respective counties; such Overseer to be an elector of the district for which he is appointed, and who shall hold office until the first Monday after the first day of January, eighteen hundred and eighty-nine. Such Overseers shall, under the direction of the Road Commissioner of his district, perform the duties in this chapter hereinafter specified. Each of such Road Overseers shall give a bond in a sum to be fixed by the Board of Supervisors, and subscribe an oath for the faithful performance of the duties of this office.

Bond.

Power of
Supervisors
to appoint.

Term of
office.

Bond and
oath.

Section twenty-six hundred and forty-four is hereby amended to read as follows:

Bond; with
whom filed.

2644. When the Overseers of road districts receive notice of their appointment from the Board of Supervisors, or notice of their election from the County Clerk, they must, within ten days thereafter, give the official bond required by said Board, and take the usual oath of office. The notice and certificate that the bond has been approved and filed, and the oath taken and indorsed thereon, or a certified copy thereof, constitute a commission, and authorizes the person named therein, and holding the same, to discharge the duties of Overseer. The bond must be approved by Judge of the Superior Court.

Approved by
Superior
Judge.

CHAPTER LXVIII.

An Act to amend section seven hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Notaries Public.

[Approved March 9, 1887.]

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

SECTION 1. Seven hundred and ninety-one of the Political Code is amended to read as follows:

791. The Governor is authorized to appoint and commission Notaries Public as follows: Governor appoint.

To each of the Counties of Alameda, Los Angeles, Sacramento, Santa Clara, Sonoma, San Joaquin, and the City and County of San Francisco, not to exceed fifty. Entitled to fifty.

For each of the Counties of Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Humboldt, Kern, Mendocino, Monterey, Napa, Nevada, Placer, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Solano, Stanislaus, Tehama, Tulare, Tuolumne, Ventura, Yolo, and Yuba, not to exceed forty. Entitled to forty.

For each of the Counties of Alpine, Del Norte, Inyo, Lake, Lassen, Marin, Mariposa, Merced, Modoc, Mono, Plumas, San Benito, San Mateo, Sierra, Siskiyou, Sutter, Trinity, and for each county established subsequent to the creation of this Act, not to exceed thirty. Entitled to thirty.

SEC. 2. This Act shall have effect from and after the date of its passage.

CHAPTER LXIX.

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-seventh session of the Legislature.

[Approved March 9, 1887.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any 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-seventh session of the Legislature. Appropriation. Per diem officers Assembly, 27th session 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.

CHAPTER LXX.

An Act to amend sections two, four, six, seven, and 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, so as to create certain additional districts.

[Approved March 9, 1887.]

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

SECTION 1. Sections two, four, six, seven, and eight of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, for the management and control of the same by the State," approved April fifteenth, eighteen hundred and eighty, is hereby amended so as to read as follows:

Agricultural
District
No. 2.

Section 2. The Counties of San Joaquin, Merced, Stanislaus, and Tuolumne, shall constitute Agricultural District Number Two; the Counties of Tulare and Kern shall constitute Agricultural District Number Fifteen; the Counties of Merced, Mariposa, and Fresno, shall constitute Agricultural District Number Twenty-one.

Agricultural
District
No. 21.

Agricultural
District
No. 4.

Section 4. The Counties of Sonoma and Marin shall constitute Agricultural District Number Four, and the Counties of Solano and Napa shall constitute Agricultural District Number Twenty-five; the Counties of Los Angeles, San Bernardino, and Ventura, shall constitute Agricultural District Number Six, and the County of Santa Barbara shall constitute Agricultural District Number Nineteen.

Agricultural
District
No. 25.

Agricultural
District
No. 6.

Agricultural
District
No. 19.

Agricultural
Districts
Nos. 7, 14,
and 16.

Section 7. The Counties of Monterey and San Benito shall constitute Agricultural District Number Seven; the County of Santa Cruz shall constitute Agricultural District Number Fourteen; the County of San Luis Obispo shall constitute Agricultural District Number Sixteen.

Agricultural
Districts
Nos. 17, 8,
18, and 26.

Section 8. The Counties of Nevada and Placer shall constitute Agricultural District Number Seventeen; and the County of El Dorado shall constitute Agricultural District Number Eight; the Counties of Alpine, Inyo, and Mono, shall constitute Agricultural District Number Eighteen; the Counties of Amador and Calaveras shall constitute Agricultural District Number Twenty-six.

SEC. 2. This Act shall take effect immediately.

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

CHAPTER LXXI.

An Act to amend section twelve hundred and forty-one of the Civil Code of the State of California, as amended April 6, 1880, relating to the subjection of homesteads to execution.

[Approved March 9, 1887.]

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

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

1241. The homestead is subject to execution or forced sale in satisfaction of judgments obtained: Homestead subject to execution; conditions of.

1. Before the declaration of homestead was filed for record, and which constitute liens upon the premises.

2. On debts secured by mechanics, contractors, subcontractors, artisans, architects, builders, laborers of every class, material-men's or vendors' liens upon the premises.

3. On debts secured by mortgages on the premises, executed and acknowledged by husband and wife, or by an unmarried claimant.

4. On debts secured by mortgages on the premises, executed and recorded before the declaration of homestead was filed for record.

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

CHAPTER LXXII.

An Act authorizing County Clerks in this State to take and certify affidavits for United States pension claimants, without the payment of fees or compensation therefor.

[Approved March 10, 1887.]

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

SECTION 1. All County Clerks in this State are hereby authorized and empowered to take and certify affidavits for United States pension claimants without demanding or receiving any fees or compensation therefor. Affidavits certified without fees.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act to add a new section to the Code of Civil Procedure, relating to hearing of appeals in the Supreme Court.

[Approved March 10, 1887.]

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 fifty-seven (57), to read as follows:

Placing probate proceedings on Supreme Court calendar.

57. Appeals in probate proceedings shall be given preference in hearing in the Supreme Court, and be placed on the calendar in the order of their date of issue, next after cases in which the people of the State are parties.

CHAPTER LXXIV.

An Act entitled an Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State.

[Approved March 10, 1887.]

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

Grand Army Republic badge. Crime and penalty.

SECTION 1. Any person who shall willfully wear the badge of the Grand Army of the Republic, or who shall use or wear the same to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of California, Grand Army of the Republic, shall be guilty of misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed thirty (30) days in the county jail, or a fine not to exceed twenty (20) dollars, or by both such fine or imprisonment.

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

CHAPTER LXXV.

An Act to provide for the deficiency in the appropriation for the payment of costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year, to pay the claim of Arthur Rodgers.

[Approved March 10, 1887.]

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

SECTION 1: The sum of two hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-seventh fiscal year, to pay the claim of Arthur Rodgers, in the case of the State of California vs. F. F. Strother, Auditor; and the Controller is hereby authorized to draw his warrant for said sum in favor of Arthur Rodgers.

Appropriation. Claim of Arthur Rodgers.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVI.

An Act to amend sections nineteen hundred and twelve, nineteen hundred and twenty-nine, nineteen hundred and ninety, two thousand and twenty-two, two thousand and twenty-six, two thousand and ninety-four, two thousand and seven, and to add a new section, to be known as section two thousand and twenty-seven, of the Political Code, relating to the State militia.

[Approved March 10, 1887.]

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

SECTION 1. Section one thousand nine hundred and twelve of this Code is amended to read as follows:

1912. The organized uniformed militia of the State of California shall be known as the National Guard of California. This force shall not exceed fifty companies, and must be located throughout the State, with reference to the military wants thereof, means of concentration, and other military requirements.

Limit of companies.

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, on the recommendation of his company commander, and for any of the following reasons: To accept

When enlisted men may be discharged.

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; upon disability, established by certificate of a medical officer; 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, and giving the reason therefor; if, at a regular meeting of a company, or of a meeting called for that 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. Or he may be dishonorably discharged for either of the following reasons: Upon conviction of felony in a civil Court. By sentence of a Court-martial.

Dishonorably discharged.

Sec. 3. Section one thousand nine hundred and ninety of said Code is amended to read as follows:

Defining staff of a Colonel, Lieutenant-Colonel, or Major commanding a battalion.

1990. The staff of a Colonel, and of a Lieutenant-Colonel, or Major commanding a battalion, consists of one Adjutant with the rank of Captain, one Quartermaster, one Commissary, one Paymaster, one Ordnance Officer, one Inspector of Rifle Practice, and one Signal Officer, each with the rank of First Lieutenant, one Surgeon with the rank of Major, one Chaplain with the rank of Captain, one Sergeant Major, one Quartermaster Sergeant, one Commissary Sergeant, one Ordnance Sergeant, one Hospital Steward, two Color Sergeants, and one Principal Musician, with the rank of Sergeant Major, and two General Guides with the rank of First Sergeant each, and all of the herein named to be appointed by such commanding officer, and to hold office at his pleasure and until their successors are appointed and qualified.

How appointed.

Sec. 4. Section two thousand and twenty-two of said Code is amended to read as follows:

Expenses of encampment, how paid.

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 regiment, or battalion, or unattached company, and all mounted officers, and artillery and cavalry companies, shall likewise receive an additional one dollar per day for each horse necessarily used by them at such encampment; *provided*, that the aggregate of such allowance shall not for any one encampment exceed the sum of four hundred dollars per company exclusive of the allowance for field and staff, non-commissioned staff officers, and signal corps, and for horses. When the companies of a regiment or battalion are not all located at the same place, those companies not located at the headquarters of the regiment or battalion shall receive, in addition to the above allowance, the excess in actual cost of transportation of such companies, over those at headquarters, to and from the place of encampment. Each officer commanding a regiment or

Proviso.

Additional allowance.

battalion may muster and attach to it a company of cadets, and may prescribe the ages and term of enlistment and the discipline thereof, provided that no person over the age of nineteen years shall be enlisted or reenlisted therein. It shall be the duty of such commanding officer to give his personal attention to the instruction of such cadet company, and he must prohibit the use of intoxicating drinks by any member of such company during the term of such membership, and must punish a second violation of such rule by any one person by dishonorable discharge from the service. Every such cadet company shall be trained in the arm of service to which the regiment or battalion is attached, and shall receive from the State a monthly, annual, uniform, and camp allowance equal to one third of the allowances made to a company of such regiment or battalion. The commanding officer of any regiment or battalion may muster and attach to it a signal corps, to consist of not more than two members for each company of such regiment or battalion. Members of the signal corps shall be enlisted for three years, as members of companies are, and shall conform to such rules and regulations as may be prescribed from time to time by such commanding officer, who shall appoint such non-commissioned officers of the corps as he may deem advisable.

Power of commanding officer to muster cadets.

Signal corps.

SEC. 5. Section two thousand and twenty-six of this Code is amended to read as follows:

2026. Each company must have at least three weekly drills each month, except in December of each year, when there need not be any drills.

Drills.

SEC. 6. A new section is hereby added to this Code, to be known as section two thousand and twenty-seven.

2027. The Commander-in-Chief of the National Guard shall forthwith appoint a Board, to consist of five commissioned officers of the National Guard, who shall determine and prescribe a uniform and equipments for the National Guard, and when so determined and prescribed, it shall be announced in general orders by the Commander-in-Chief, and when it is so announced such uniform and equipment shall be known as the "service" uniforms and equipments of the National Guard of this State. Companies already organized may wear the uniforms and equipments now in use until supplied by the State with the "service" uniform and equipments; after which, no uniforms and equipments other than those so supplied shall be worn, except at company parades, or drills. No money of the State must be used or applied to the purchase of uniforms and equipments other than those in this section mentioned. All non-commissioned officers, musicians, and privates of a company, or of a general, brigade, regimental, or battalion staff, the members of the signal corps, and of regularly organized and enlisted bands (which bands shall not exceed in number twenty-five each), shall be furnished with "service" uniforms and equipments at the expense of the State. Such uniforms and equipments shall be issued to commanders of the general staffs of brigades, regiments, battalions, and companies, upon requisitions, in such form as may be prescribed. The "service" uniform and

Uniforms and equipments.

Purchase of uniforms and equipments. Non-commissioned officers.

Issued upon requisition.

equipments, when selected by the Board, as hereinafter prescribed, shall be issued to the several organizations of the National Guard, upon requisition from the proper officer. Each organization of the National Guard may wear at parades and reviews, such full dress uniforms and equipments as have been heretofore adopted and used by them, until it shall be furnished with the "service" uniform and equipments. The commanding officer of each organization shall be responsible for the keeping and return of all uniforms and other military property committed to his charge. Each commanding officer who shall receive, according to the provisions of this section, uniforms or equipments, or portions of uniforms or equipments, for the use of his command, shall distribute the same to his command as he shall deem proper. The "service" uniform and equipments shall be furnished, as aforesaid, by a Board which is hereby provided, to consist of the Quartermaster-General and of two commissioned officers to be appointed by the Commander-in-Chief. Said two officers shall at all times be residents of the City and County of San Francisco. This Board is authorized and directed to purchase the cloth, arrange for its cutting, and also for its making, when required by the commander of any organization, and also equipments, and the bills of said Board shall be audited, allowed, and paid as are other military demands.

Responsibility of commanding officer.

Distribution of uniforms.

Board appointed by Commander-in-Chief.

Authority and power of Board.

SEC. 7. Section two thousand and ninety-four of this Code is amended to read as follows:

Appropriation; how distributed.

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 sum 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 thirty-five dollars per month for such band; and if the regiment or battalion has attached to it a signal corps of not less than eight members, the additional sum of fifteen dollars per month for such corps; 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

Brigadier-General.

Major-General.

Adjutant-General.

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 Company "A," Second Artillery Regiment, Second Brigade, National Guard of California, which shall be suitable for hand service, and for the purpose of making said company a more efficient arm of the military service.

Company
"A."

SEC. 8. Section one thousand nine hundred and twenty-three of the Political Code is hereby repealed.

SEC. 9. Section two thousand and seven of this Code is amended to read as follows:

2007. The staff of each General of Brigade consists of one Surgeon, with the rank of Lieutenant-Colonel; one Assistant Adjutant-General, who shall be Chief of Staff; one Signal Officer, one Engineer Officer, one Ordnance Officer, one Quartermaster, one Commissary, one Paymaster, one Brigade Inspector, one Judge Advocate, and one Inspector of Rifle Practice, each with 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.

Defining
staff of
Brigadier-
General.

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

CHAPTER LXXVII.

An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relative to personal property mortgaged.

[Approved March 10, 1887.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be known as and numbered five hundred and thirty-seven:

537. Every person who, after mortgaging any of the property mentioned in section two thousand nine hundred and fifty-five of the Civil Code, except locomotives, engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, voluntarily removes or permits the removal of the mortgaged property from the place where it was situated at the time it was mortgaged, without the written consent of the mortgagee, with intent to deprive the mortgagee of his interest therein, is guilty of a misdemeanor.

Removal of
mortgaged
property.
Exceptions.
Defining
crime.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act to appropriate money to meet a deficiency in the appropriation for the State's portion of the salaries of the Superior Judges, for the thirty-eighth fiscal year.

[Approved March 10, 1887.]

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

Appropriation. Salaries Superior Judges.

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay any deficiency that may be in the appropriation for the State's portion of the salaries of the Superior Judges, in the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIX.

Assembly Constitutional Amendment No. 16.

[Approved March 10, 1887.]

A Resolution to propose an amendment to section eight, of article eleven, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants.

Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section eight, of article eleven, of the Constitution of said State be amended so as to read as follows:

More than 100,000 inhabitants.

Election of Board of Freeholders.

Time to prepare charter.

Section 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. Any city containing a population of more than ten thousand and not 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 said 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 of said city, and the other to the Recorder 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 the first publication shall be made within twenty days after the completion

Where to be filed.

Publication of charter.

Submission of charter.

Submit to Legislature.

Where charter must be filed.

May be amended by election.

Population over 10,000 and less than 100,000.

Election of freeholders.

Time to prepare charter.

Where to be filed.

Publication of charter.

Submission of charter.

Submit to Legislature.

Where charter must be filed.

May be amended by election.

of the charter; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said 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, and the organic law thereof, and shall supersede any existing charter, and any 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 Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city; and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors 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.

CHAPTER LXXX.

An Act to amend "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 13, 1878.

[Approved March 10, 1887.]

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

SECTION 1. Section three of an Act creating a Board of Bank Commissioners, and prescribing their duties and powers, is hereby amended so as to read as follows:

Licensee to transact business of a savings bank.

Section 3. The duties of the Bank Commissioners shall be to prepare and furnish to every savings bank, bank, and banking company incorporated under the laws of this State, or any other State or Territory, or foreign country, doing busi-

ness in this State, applying therefor in writing, a license, in the form to be prescribed by them, authorizing such corporation to use the name and to transact the business of a savings bank, bank, or banking company, for one year from the date of issuance thereof; *provided*, that such license may be issued at any time, subject to the disqualification mentioned in section seven of this Act; to receive and place on file in their office the semi-annual reports required to be made by savings banks, or banks, or banking corporations, by this Act; to prepare and furnish, on demand, to all persons, firms, partnerships, corporation, or officers required to make and return statement or report to said Bank Commissioner by the provisions of this Act, blank forms for such statements or reports as may by law be required of them; to make, on or before the first day of October in each year, a report to the Governor of this State, containing a tabular statement and synopsis of the several reports which have been filed in their office since their last report, and any other proceedings had or done by them under this Act, showing generally the condition of the respective savings, commercial, and other banking corporations or institutions of this State, and such other matters as in their opinion may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period.

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

Section 4. It shall be the duty of one or more of the Bank Commissioners, as designated by the Commissioners, once in each year, and as often as in their judgment may be deemed necessary, without previous notice, to visit and make, personally, a full examination of each bank, savings bank, saving and loan society, or other society, association, company, or institution incorporated under the laws of this State, or any other State or Territory, or those of any foreign country, and doing business in this State, or any trust company receiving money on deposit, to inspect all books, papers, notes, bonds, or evidence of debt of such corporation, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill all its obligations, and report its condition to the Attorney-General as soon as practicable after such examination.

Duties of Commissioners. Examine and report to Attorney-General once in each year.

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

Section 11. If such Commissioners, on examination of the affairs of any corporation mentioned in this Act, shall find that any such corporation has been guilty of violating its charter or law, or the provisions of this Act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices and a conformity with the requirements of its charter and of law under this Act; and if such corporation shall refuse or neglect to comply with such order, or whenever it shall appear to said Commissioners that it is unsafe for any such corporation, as in

Discontinuance of illegal practices.

Duties of Attorney-General.	this Act mentioned, to continue to transact business, they shall notify the Attorney-General of such fact, who, after examination, in his discretion, may commence suit in the proper Court against such corporation, to enjoin and prohibit the transaction of any further business by such corporation; and upon the hearing of the case, if the Judge of the Court where the case is tried shall be of the opinion that it is unsafe for the parties interested, or for such corporation, to continue to transact business, and that such corporation or institution is insolvent, he shall issue the injunction applied for by said Commissioners and Attorney-General, who shall cause said injunction to be served according to law; and said Judge shall further direct said Commissioners to take such proceedings against such corporation as may be decided upon by its creditors. If any corporation mentioned in this Act, which is now insolvent, or which may hereafter become insolvent, or be thrown into liquidation by process of law, or by the order or consent of its stockholders, directors, managing officers, managers, or creditors, the affairs of such corporation shall be closed, and the business thereof settled within four years from the time it shall be declared to be insolvent, or be thrown into liquidation, as the case may be, unless at the expiration of such time it shall obtain the consent, in writing, from a majority of the Board of Bank Commissioners, to continue in liquidation for a longer period.
Insolvent corporations.	The Bank Commissioners shall, however, have no power to grant a continuance for such purpose for a longer period than one year at each time. Any corporation mentioned herein, now in liquidation, or that may be hereafter thrown into liquidation, shall make semi-annual reports of the condition of its affairs to the Bank Commissioners, in the same manner as the solvent banks mentioned in this Act, and in addition thereto shall state the amount of dividends paid, debts collected, and the amount realized on property sold, if any, since the previous report. The Bank Commissioners shall have the power, and it is hereby made their duty, to examine the condition of every such corporation in liquidation, in the same manner as in the case of solvent banks; and shall have a general supervisory control of any such corporation. They shall have the power to designate the number of officers and employes necessary to close up the business of any such corporation, and to fix the salaries of the same; and shall do all in their power to make such liquidation economical and as expeditious as the interests of the depositors and stockholders will admit. The Bank Commissioners are hereby empowered to examine into the affairs of all banks in process of liquidation, at the time of the passage of this Act. When any such bank shall have been for two years next preceding the passage of this Act, in process of liquidation, or when any such bank shall have been in liquidation for two years from the time it was declared insolvent, or thrown into liquidation, the Bank Commissioners have the power to direct that the business of the bank shall be closed, and may designate a time when such closing shall be effected, and may limit the number of officers and
Time of settlement.	
Limit of continuance.	
Semi-annual report.	
Duties of Commissioners. Corporation in liquidation.	
Officers and salaries.	

employés, fix their salaries, and make such other orders as are necessary for the economical and expeditious administration of the affairs of the bank. If any officer or employé of any insolvent corporation, mentioned in this Act, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said Bank Commissioners, given in accordance with the provisions of this Act, such officer or employé shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the county jail for not less than one year, or by both such fine and imprisonment, as a Court of competent jurisdiction may determine.

Punishment for violation of provisions of Act.

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

Section 12. The Bank Commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed for the three Commissioners the sum of one thousand five hundred dollars per annum, to be audited by the State Controller and paid by the State Treasurer, in the same manner as the salaries of other State officers. No person, while holding any other office, or engaged in business of any kind requiring his personal attention between the hours of nine A. M. and four P. M., shall serve as Bank Commissioner.

Salaries and traveling expenses of Commissioners.

Qualifications of Commissioner.

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

Section 13. The Bank Commissioners shall furnish each member of the Legislature with a copy of their annual report, at each session of the Legislature during the first week of the session.

Annual reports; distribution of.

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

Section 14. The Bank Commissioners shall have power to appoint a Secretary, at a salary of one hundred and fifty dollars per month. The said Commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M., every day except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month. They may also provide stationery, fuel, and other conveniences, necessary for the transaction of their duties, not exceeding in the aggregate the sum of three hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the Commissioners.

Secretary and salary.

Office and office hours.

Stationery, etc.

Expenditures; how paid.

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

Section 16. To meet the annual expenses provided for by this Act, the Bank Commissioners shall receive, in advance, in gold coin, from each savings bank, or bank, or banking corporation applying for a license, its pro rata amount of the salaries and all other necessary expenses of the Commissioners, such amount to be raised by assessment on the amount of deposits of such bank; but in estimating the amount to be paid by each savings bank, bank, or banking corporation, on applying for its first license under this Act, and all subsequent licenses, the amount of deposits as shown by its last

Provisions for annual expenses.

semi-annual report made to the Bank Commissioners, shall be taken as the amount of deposits. Said Commissioners shall, on demand made therefor and without charge, furnish to every corporation, society, association, company, institution, firm, person, or persons mentioned in this Act, copies of papers, statements, and reports filed in their office, and may, by action instituted in any Court of competent jurisdiction, recover any and all money assessed against any corporation, association, society, company, institution, firm, person, or persons herein mentioned; and all moneys collected or received by such Bank Commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the Treasurer of this State, who shall pay the same into a fund which is hereby created, and which shall be known as the "Bank Commissioners' Fund." And the unexpended balances of all moneys heretofore paid into the State Treasury by said Bank Commissioners shall be transferred to said fund and become a part thereof.

All moneys collected to be deposited with State Treasurer. "Bank Commissioners' Fund."

SEC. 8. A new section is hereby added to said Act, to be numbered section twenty-three, and to read as follows:

True names of persons engaged in banking business not incorporated.

Section 23. Every person or number of persons, not being incorporated, engaged in the business of banking, or publicly receiving money on deposit, shall conduct such business under a name which shall show the true names of all persons engaged in said business, unless such person or persons have complied with or shall forthwith comply with the provisions of article seven, of chapter two, title ten, part four, of the Civil Code of this State. Every person engaged for himself, or any person being the Cashier, Manager, or Agent of two or more persons, not incorporated, engaged in the business of banking or publicly receiving money on deposit, must, at dates not later than the twentieth day of January and the twentieth day of July of each year, make a report in writing to the Bank Commissioners, verified under oath, which report shall show the actual financial condition of the said business upon the thirtieth day of June of such year and the thirty-first day of December of the preceding year, and shall also state the facts required to be stated by incorporated banks or banking corporations in section nine of this Act, so far as the same appertain to said business. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

Time for making reports.

Defining crime and punishment.

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

CHAPTER LXXXI.

An Act to amend section three hundred and seven of an Act entitled "An Act to establish a Civil Code," relating to the formation of corporations.

[Approved March 10, 1887.]

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

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

307. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name, as provided in section three hundred and twelve of this Code, for as many persons as there are Directors 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. In corporations having no capital stock, each member of the corporation may cast as many votes for one Director as there are Directors to be elected, or may distribute the same among any or all of the candidates. In either case the Directors receiving the highest number of votes shall be declared elected. The provisions of this section, so far as it relates to cumulative voting, shall not apply to literary, religious, scientific, social, or benevolent societies, unless it shall be so provided in their by-laws or rules.

Election by ballot. Number of votes.

Election of Directors; how made.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXII.

An Act to provide for the completion of all unfinished county, city, city and county, towns, and townships buildings in the several counties, cities and counties, cities, and towns throughout the State of California.

[Approved March 10, 1887.]

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

SECTION 1. In the event that the Board of Supervisors of the several counties, and cities, cities and counties, of the State of California shall deem it expedient to continue the construction of any unfinished county, or city and county, or town, or townships building or buildings, they are hereby authorized and empowered to express such judgment by

Construction of unfinished buildings.

Mode of raising money. Annual tax; how collected.

Ad valorem property tax.

resolution or order, in such form as they may deem proper. And for the purpose of raising the money necessary to complete said building or buildings, the Board of Supervisors of the several counties, cities, and cities and counties of the State of California are hereby authorized and empowered to levy and collect annually for the fiscal year commencing July first, eighteen hundred and eighty-seven, and ending June thirtieth, eighteen hundred and eighty-eight, and each and every fiscal year thereafter during the four fiscal years next ensuing, in the same manner and at the same times as other taxes in said counties, cities, and towns, and townships, and cities and counties, are levied and collected, an ad valorem property tax on real and personal property within the said counties, or cities and counties, cities, towns, and townships, of not to exceed ten cents on each one hundred dollars of value, as shown by the assessment rolls of said counties, and cities and counties, cities, towns, and townships, for the current fiscal year.

SEC. 2. All laws now in force, except in so far as they relate to the levy and collection of taxes for the completion of any county, or city and county, or city, or towns, or townships building or buildings, are hereby continued in full force and effect.

CHAPTER LXXXIII.

Senate Constitutional Amendment No. 2.

[Approved March 10, 1887.]

To propose an amendment to sections two and three, of article six, of the Constitution of the State of California, relating to the Judicial Department.

Resolved, That the Legislature of the State of California, at its regular session commencing on the third day of January, A. D. one thousand eight hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that two and three, of article six, of the Constitution of said State be amended so as to read as follows:

Supreme Court consists of.

Fill vacancy, office of Chief Justice.

Term of office.

Entered in minutes of Court.

Section 2. The Supreme Court shall consist of seven Justices. The Chief Justice and Associate Justices of the Supreme Court in office at the time of the adoption of this amendment to the Constitution are hereby continued in office as Chief Justice and Justices of the Supreme Court for the remainder of the terms to which they were respectively elected. When the first vacancy occurs in the office of Chief Justice, the Justices shall elect one of their number to be Chief Justice, and he shall hold the office of Chief Justice of said Court for a term of four years from the second Monday in January after the regular election of Justices, as required by section three of this article. An entry of the election of such Chief Justice shall be made in the minutes of the Court

and signed by four Justices. Whenever thereafter a vacancy occurs in the office of Chief Justice, a like election shall be had to fill such office. The Supreme Court may sit in departments or 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 Justices to each department, and such assignment may be changed by him from time to time. The 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 two 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 when 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 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 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 department, 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. The Supreme Court Commission, created by the Act of the Legislature, approved March twelfth, eighteen hundred and eighty-five, shall continue, and be a Supreme Court

Open for the transaction of business.

Departments.

Assignment by Chief Justice.

Three Justices necessary for transaction of business. Judgment.

Apportionment of business.

Time to make order.

In bank.

Final Judgment.

Judgment in bank.

Decisions to be made in writing.

Election of temporary Chief Justice.

Term of Supreme Court Commission.

Commission, for four years after the adoption of this amendment. Said Commission may be continued for such time thereafter as may be fixed by an Act passed by a vote of two thirds of the elected members of each House of the Legislature, and approved by the Governor. The members thereof and Secretary shall be appointed, as in said Act provided; and such Commissioners shall be subject to removal in like manner as Judges of the Supreme Court. Said Commission shall have the same power to hear and determine causes possessed by a department of the Supreme Court; and causes may be assigned to the Commission in the same manner they are assigned to a department; and after decision they may be ordered heard in bank, in the same way and with like restrictions as if decided in department. The judgments of the Commission shall be entered as the judgments of the Court. The Commission shall sit at such times and places as may be designated by the Court, but such Commissioners shall not exercise any judicial functions except when assembled as a Commission, and then they shall only have power to hear and determine such causes as may have been assigned to them.

Appoint-
ment of
members and
Secretary.

Powers of
Commission.

Entry of
Judgments.

Assignment
of cases.

Election
and term of
office,
Supreme
Justices.

Election for
full term.

Disability of
Justices.

Retiring
salary.

Appoint-
ment by
Governor.

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general State elections, and 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. Three Justices shall be elected for the full term at the general State election held in eighteen hundred and ninety; and at the general election held every fourth year thereafter, two Justices shall be elected for full terms of twelve years, except that in every twelfth year thereafter three Justices shall be elected for full terms. If the Chief Justice, or any Justice, becomes permanently disqualified, either mentally or physically, to perform the duties of his office, and such fact is certified to the Governor by five Justices, one of whom may be the Chief Justice in case of the disability of a Justice, the office of such disqualified person becomes immediately vacant, and he shall be paid a retiring salary of two hundred and fifty (250) dollars per month for the remainder of his term. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office for the remainder of the unexpired term. If a vacancy occur in the office of Chief Justice, before the expiration of the term of the present incumbent, the Governor shall appoint a Justice to hold office as Justice until the first Monday of January, eighteen hundred and ninety-one.

CHAPTER LXXXIV.

An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, by adding a new article, exempting fishing boats and nets from execution.

[Approved March 11, 1887.]

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

SECTION 1. Section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," is hereby amended so as to read as follows: Amended.

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

1. Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor. Chairs, books, etc.

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including: one sewing machine, stoves, stovepipes, and furniture, wearing apparel, beds, bedding, and bedsteads, hanging pictures, oil paintings and drawings, drawn or painted by any member of the family, and family portraits and their necessary frames, provisions actually provided for individual or family use sufficient for three months, and three cows and their sucking calves, four hogs with their sucking pigs, and food for such cows and hogs for one month. Household furniture, etc.

3. The farming utensils or implements of husbandry of the judgment debtor; also, two oxen, or two horses, or two mules, and their harness, one cart or wagon, and food for such oxen, horses, or mules, for one month; also, all seed, grain, or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars, and seventy-five beehives, and one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business. Farming utensils, etc.

4. The tools or implements of a mechanic or artisan necessary to carry on his trade; the notarial seal, records, and office furniture of a Notary Public; the instruments and chest of a surgeon, physician, surveyor, or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers, and music teachers, and their necessary office furniture; also, the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps, and office furniture of a Searcher of Records, necessary to be used in his profession. Tools or implements of mechanic.

5. The cabin or dwelling of a miner not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appli- Miner's cabin, etc.

ances necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules, or oxen, with their harness, and food for such horses, mules, or oxen for one month, when necessary to be used in any whim, windlass, derrick, car, pump, or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars.

Draymen,
truckmen,
etc.

6. Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster, or other laborer habitually earns his living, and one horse, with vehicle and harness or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business, with food for such oxen, horses, or mules for one month.

Fishermen.

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns a livelihood.

8. Poultry not exceeding in value twenty-five dollars.

Earnings of
the judg-
ment debtor.

9. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears, by the debtors' affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this State, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessities of life, the one half of such earnings above mentioned are nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred.

Shares
homestead
association.

10. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this State. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel.

Life insur-
ance.

11. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance on the life of the debtor, if the annual premiums paid do not exceed five hundred dollars.

Fire com-
panies.

12. All fire engines, hooks and ladders, with the carts, trucks, and carriages, hose, buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under any laws of this State.

Firearms,
etc.

13. All arms, uniforms, and accouterments required by law to be kept by any person, and also one gun to be selected by the debtor.

Public
property.

14. All court houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices, belonging to any county or to any city and county, of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, mar-

kets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned, or held by any town or incorporated city, or dedicated by such town or city, to health, ornament, or public use, or for the use of fire or military company, organized under the laws of this State. No article, however, or species of property mentioned in this section, is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage thereon. [Approved April 1, 1878.]

CHAPTER LXXXV.

An Act to amend section three thousand two hundred and forty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, and to add five new sections to said Political Code, to be numbered sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, three thousand two hundred and forty-eight, and three thousand two hundred and fifty, regulating the hours of labor.

[Approved March 11, 1887.]

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

SECTION 1. Section three thousand two hundred and forty-four (3244) of the Political Code of the State of California is hereby amended so as to read as follows: Amended.

3244. Eight hours of labor constitutes a day's work, unless it is otherwise expressly stipulated by the parties to a contract, except those contracts within the provisions of sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, and three thousand two hundred and forty-eight of this Code. Eight hours labor a day's work.

SEC. 2. The following shall be added as a new section to the Political Code of the State of California, and shall be designated as section three thousand two hundred and forty-six: New section.

3246. Twelve hours' labor constitutes a day's work on the part of drivers, and conductors, and gripmen of street cars for the carriage of passengers. Any contract for a greater number of hours' labor in one day shall be and is void, at the option of the employé, without regard to the terms of employment, whether the same be by the hour, day, week, month, or any other period of time, or by or according to the trip or trips that the car may, might, or can make between the termini of the route, or any less distance thereof. Any and every person laboring over twelve hours in one day as driver, or conductor, or gripman, on any street railroad, shall receive from his employer thirty cents for each hour's labor over twelve hours in each day. Drivers, conductors, and gripmen; twelve hours a day's work.

SEC. 3. The following shall be added as a new section to the Political Code of the State of California, and shall be Thirty cents for each hour over twelve.

New section.

designated as section three thousand two hundred and forty-seven:

Action to
recover
value of
labor.

3247. In actions to recover the value or price of labor under section three thousand two hundred and forty-six of this Code, the plaintiff may include in one action his claim for the number of days, and the number of hours' work over twelve hours in each day, performed by him for the defendant, and the Court shall exclude all evidence of agreement to labor over twelve hours in one day for a less price than thirty cents, and the Court shall exclude any receipt of payment for hours of labor over twelve hours in one day, unless it be established that at least thirty cents for each hour of labor over twelve hours in one day has been actually paid, and a partial payment shall not be deemed or considered a payment in full.

New section.

SEC. 4. The following shall be added as a new section to said Political Code of the State of California, and shall be designated as section three thousand two hundred and forty-eight:

Form of
complaint.

3248. In actions under sections three thousand two hundred and forty-six of this Code the complaint may be in the following form: Title of case and venue. Plaintiff complains of defendant, and for cause of action states: That between (stating first and last dates) he worked for defendant as conductor, driver, or gripman, on defendant's street railroad, in (stating place), for (stating number of days), at the agreed rate of (stating price) per day, week, or month, and for such labor defendant has paid plaintiff the sum of (stating sum due), due plaintiff from defendant for said labor. The plaintiff further states that during the said period of time he worked for defendant as such (conductor, driver, or gripman), on sundry days, and performed (stating number of hours) hours' work in excess of twelve hours in one day, for which there is due plaintiff from defendant the sum of (stating the sum due) and costs. Signed —.

New section.

SEC. 5. The following shall be added as a new section to the Political Code of the State of California, and shall be designated as section three thousand two hundred and forty-nine:

Applicable
to.

3249. The provisions of sections three thousand two hundred and forty-seven and three thousand two hundred and forty-eight of this Code are applicable to every contract to labor made by the persons named in section three thousand two hundred and forty-six.

New section.

SEC. 6. The following shall be added as a new section to the Political Code of the State of California, and shall be designated as section three thousand two hundred and fifty:

Penalty for
violation of
this Act.

3250. No person shall be employed as conductor, or driver, or gripman, on any street railroad, for more than twelve hours in one day, except as in this Act provided, and any corporation, or company, or owner, or agent, or Superintendent, who knowingly employs any person in such capacity for more than twelve hours in one day, in violation of the terms of this Act, shall forfeit the sum of fifty dollars as a penalty for such offense, to the use of the person

prosecuting any action therefor, and any number of forfeits may be prosecuted in one action.

SEC. 7. This Act shall take effect immediately.

CHAPTER LXXXVI.

An Act to amend an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County.

[Approved March 11, 1887.]

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

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

Section 2. The boundaries of San Benito County shall be as follows: Commencing at a point in the center of the Pajaro River, said point being the northwest corner of the Rancho las Arroyitas y Agua Caliente, and being on the northern boundary line of Monterey County, and running thence in a southerly direction along the southwest boundary of said rancho to the southwest corner thereof; thence southerly in a direct line to the summit of the Gabilan Range of mountains, and thence southeasterly along the summit of said Gabilan Mountains to the Chalone Peak; thence southeasterly in a direct line to the division line of the parts of the San Lorenzo Sobrantes Rancho owned respectively by Breen and Dunn; thence along said dividing line of said rancho to the southern boundary thereof; thence due south to the San Lorenzo Creek; thence southeasterly up the center of said San Lorenzo or Lewis Creek, and up the North Fork thereof, to the summit of the divide between the waters of said Lewis Creek and San Benito Creek; thence following said divide southerly to the eastern boundary of Monterey County and the summit of the Coast Range of mountains; thence northerly, following the summit of said mountains to where the range line between townships eighteen south, of ranges twelve and thirteen east, Mount Diablo meridian, crosses the same; thence northerly along said range line to the northeast corner of township eighteen south, range twelve east; thence northerly along said township line to the southeast corner of township sixteen south, range twelve east, Mount Diablo base and meridian; thence northwest in a straight line to the northeast corner of township fourteen south, range nine east; thence in a straight line northwesterly, running toward the northeast corner of township thirteen south, range seven east, to a point where said line intersects the present boundary line

Defining boundaries of San Benito County.

Defining boundaries of San Benito County.

Pay proportion of indebtedness to Fresno and Merced Counties.

Board of Supervisors to determine amount.

How paid.

between the Counties of San Benito and Merced; thence along the present boundary line between the Counties of San Benito and Merced to the northeast corner of San Benito County and southeast corner of Santa Clara County; thence following the present county line between the Counties of Santa Clara and San Benito, and Santa Cruz and San Benito, to the place of beginning. The County of San Benito shall pay to the Counties of Fresno and Merced the proportions of the respective indebtedness of said counties, equitably chargeable against said County of San Benito, the amount thereof payable to each of said counties to be ascertained and determined by the Boards of Supervisors of the Counties of San Benito, Merced, and Fresno; and in determining the amounts justly chargeable to said San Benito County, said Boards of Supervisors shall ascertain the amount of the indebtedness of each of the Counties of Fresno and Merced, and deduct therefrom the value of all county property and legal assets; and the County of San Benito shall pay such proportion of the balance of such indebtedness as the assessed value of the property in the territory transferred from said counties, respectively, to said San Benito County bears to the value of the property remaining in said Counties of Fresno and Merced, according to the assessment rolls of said counties for the year A. D. eighteen hundred and eighty-six; and the amounts thus determined by said Boards of Supervisors as justly payable by said County of San Benito to the respective Counties of Merced and Fresno, shall be paid as other indebtedness of said county is or shall be payable.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXVII.

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 six hundred and four, providing for the formation of certain religious corporations.

[Approved March 11, 1887.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered and known as section six hundred and four, to read as follows:

Incorporation of.

Name.

604. Any church or other religious association in this State, composed of two or more constituent parishes, missions, congregations, or societies, having a common convention, synod, council, or other representative legislative body, may be incorporated by such representative body under this part and subject to the provisions of this title, except as otherwise provided in this section. The representative body of such religious association electing to incorporate the same,

shall determine the name of the proposed corporation, the purpose for which it is formed, the place where its principal business is to be transacted, the term for which it is to exist, and the number of its Directors, and shall elect its Directors for the first year. The articles of incorporation need only be signed and acknowledged by the presiding officer and Secretary of such representative body, and in addition to the requirements of section two hundred and ninety, shall set forth the proceedings herein prescribed for said representative body, and that the same were duly had in accordance with the constitution, canons, rules, or regulations governing the other proceedings of said representative body, and the time and place thereof. The Directors of such corporation shall be elected annually by the representative body of the association. The representative body providing for such incorporation shall frame by-laws for the corporation, and such by-laws may be repealed or amended, or new by-laws may be adopted by any subsequent representative body in accordance with the constitution, canons, rules, or regulations governing the other proceedings of such representative body. Such corporation may hold and administer not only the common property, funds, and money of such association, but also the property, funds, and money of any constituent parish, mission, congregation, or society. 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.

Purpose.

Term.

Directors.

Signed by Secretary and President.

Election of Directors.

By-laws..

Section 595.

SEC. 2. An Act entitled "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March twenty-first, eighteen hundred and seventy-two, by adding a new section thereto, to be known as section six hundred and four, relating to the formation of religious incorporations for holding and administering church property," approved March twelfth, eighteen hundred and eighty-five, being inconsistent herewith, is hereby repealed.

Repealed.

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

CHAPTER LXXXVIII.

An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties, and to provide for the payment of the debt of Del Norte County, and for transcribing certain records.

[Approved March 11, 1887.]

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

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

DEL NORTE.

Defining
boundaries
Del Norte
County.

3909. Situated in the northwest corner of the State of California, beginning at a point in the Pacific Ocean, on the forty-second parallel of north latitude, three miles from shore, being on the southern line of Oregon; thence running southerly, three miles from ocean shore, to a point on the northern line of Humboldt County, one mile south of the mouth of Klamath River; thence easterly, along the northern boundary of Humboldt County, to the summit of a spur of the Siskiyou Range of mountains; thence northerly, following the summit of said spur of the Siskiyou Range of mountains, to the forty-second parallel of north latitude; thence due west to the place of beginning.

SEC. 2. Section three thousand nine hundred and thirteen of the Political Code is hereby amended so as to read as follows:

SISKIYOU.

Defining
boundaries
Siskiyou
County.

3913. Commencing on the northern line of the State of California, at the range line between ranges numbered four (4) and five (5) east of Mount Diablo base and meridian; thence due south on said range line to the northern line of Shasta County; thence westerly along the northern line of Shasta and Trinity Counties to the top of the ridge dividing the waters of the Salmon and its tributaries from the waters that flow into the Klamath and Trinity Rivers and their tributaries, to where the Salmon enters the Klamath River; thence westerly on a direct line to the summit of the spur of the Siskiyou Range of mountains; thence northeasterly, following the southeasterly line of Del Norte County, as described in section one of this Act, to the forty-second parallel of north latitude; thence due east along the line dividing the States of Oregon and California, to the place of beginning.

Appoint
Commissioner.
Duties.

SEC. 3. As soon as practicable after the passage of this Act, the Board of Supervisors of Del Norte County, and the Board of Supervisors of Siskiyou County, shall each appoint a Commissioner, whose duty it shall be to meet at the county seat of Del Norte County on the first Monday of July, eighteen hundred and eighty-seven, or as soon as practicable thereafter, and proceed to ascertain the indebtedness of Del Norte County at the date of the passage of this Act. When the amount of such indebtedness is ascertained, they shall determine what portion thereof shall be paid by Siskiyou County, upon the following basis, viz.: taking first the assessed value of all the property in Del Norte County, as appears from the assessment roll of eighteen hundred and eighty-six; second, taking the assessed value of all the property estimated or being in that portion of Del Norte County by this Act annexed to Siskiyou County, and the amount to be paid to Del Norte County by Siskiyou County shall be that proportion of the whole debt of Del Norte County that the assessed value of the property in the annexed territory bears to the assessed value of all the property of Del Norte County. The

Ascertain in-
debtedness;
how.

amount agreed upon as a just proportion to be paid to Del Norte County by Siskiyou County shall be forthwith forwarded by said Commissioners to the Board of Supervisors of Siskiyou County, who, upon the receipt of the same, shall order the Auditor of said county to draw a warrant upon the Treasurer of Siskiyou County, payable out of the General Fund, in favor of the Treasurer of Del Norte County for the amount specified.

SEC. 4. Should the Commissioners herein provided for be unable to agree in respect to any of the matters they are required to determine, they are authorized to select a third Commissioner, who shall have the same power to act as the two first named, and the decision of two of said Commissioners shall be conclusive upon all questions submitted. The compensation of said Commissioners shall be five dollars per day for each day actually devoted to the performance of the duties imposed upon them, together with all necessary traveling expenses, and the same shall be paid by Siskiyou County.

Third Commissioner.

Compensation of.

SEC. 5. On the demand of the Board of Supervisors of Siskiyou County, the Recorder of Del Norte County shall, within four months after said demand, prepare and deliver to the Recorder of Siskiyou County, suitable books of records, containing certified copies of all conveyances, and all other writings or instruments concerning or affecting land and real estate, situated within the territory by this Act annexed to Siskiyou County. For the services performed under this section the County of Siskiyou shall pay to the Recorder of Del Norte County such fees as are now allowed him by law for similar services; and the Board of Supervisors of Siskiyou County are hereby required to order the Auditor of said county to draw a warrant in favor of the Recorder of Del Norte County upon the Treasurer of Siskiyou County, for the amount due, payable out of the General Fund of the county; and upon the demand of the Board of Supervisors of Del Norte County, the Board of Supervisors of Siskiyou County shall cause to be forwarded a certified transcript of conveyances, and all other writings or instruments concerning or affecting land and real estate situated within the territory by this Act annexed to Del Norte County, and the expenses incurred for such services shall be paid by Siskiyou County.

Records of Del Norte County.

Fees of Recorder Del Norte County; how paid.

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

CHAPTER LXXXIX.

An Act to repeal an Act entitled "An Act to amend an Act to incorporate the City of Santa Barbara," approved March 30, 1878.

[Approved March 11, 1887.]

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

Repealed.

SECTION 1. Said Act is hereby repealed.

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

CHAPTER XC.

An Act to provide for the payment of mileage of Presidential Electors, during the fortieth fiscal year.

[Approved March 12, 1887.]

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

Appropriation. Mileage Presidential Electors.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the mileage of Presidential Electors, during the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCI.

An Act to repeal an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February 20, 1872.

[Approved March 12, 1887.]

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

Repealed.

SECTION 1. An Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February twentieth, eighteen hundred and seventy-two, is hereby repealed.

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

CHAPTER XCII.

An Act to repeal an Act entitled an Act to amend an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California, approved February twentieth, eighteen hundred and seventy-two," approved March 21, 1872.

[Approved March 12, 1887.]

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

SECTION 1. An Act entitled an Act to amend an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California, approved February twentieth, eighteen hundred and seventy-two," approved March twenty-first, eighteen hundred and seventy-two, is hereby repealed. Repealed.

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

CHAPTER XCIII.

An Act to provide for the construction and maintenance of an open canal from and along North Street, in the City of Stockton, County of San Joaquin, State of California, to the San Joaquin River, for sanitary and drainage purposes, and to appropriate money therefor.

[Approved March 12, 1887.]

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

SECTION 1. The Directors for the Insane Asylum of Stockton, California, are authorized, empowered, and directed to construct, and cause to be constructed, levees and embankments, and maintain, or cause to be maintained, an open canal from the said Insane Asylum, from and along North Street, to and into the San Joaquin River, by the least expensive route; and the said Board shall have full power to do any and all acts necessary to and for the construction, leveeing, and maintenance of the said canal, and the contracting for said construction, leveeing, and maintenance thereof. The construction and maintenance of the said canal and levees shall be let to the lowest responsible bidder, at a sum not to exceed forty thousand (\$40,000) dollars, the contract to include right of way, damages, and all rights incident thereto; the contractor to give good and sufficient bonds. Said canal to be used for drainage and sanitary purposes for the State Insane Asylum. A sewer may be constructed instead of an open canal, on any part of the line of the proposed canal. And there is hereby appropriated Construct canal.
Construction not to exceed \$40,000.

Appropriation How expended.

the sum of forty thousand (\$40,000) dollars out of any money in the State Treasury not otherwise appropriated, for the purpose aforesaid, to be expended by said Directors.

CHAPTER XCIV.

An Act to provide for the painting of State buildings located at Sacramento.

[Approved March 12, 1887.]

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

State Capitol, Agricultural Building, and State Printing Office.

SECTION 1. The State Capitol Commissioners are hereby directed to have the exterior of the following named State buildings painted, to wit: The State Capitol, the State Agricultural and Industrial Exhibition Building, and the State Printing Office, said buildings being situated in the State Capitol grounds, at Sacramento.

Specifications.

SEC. 2. The painting of the buildings named in section one, shall consist of two good coats of the best white lead, and best linseed oil paint, trimmed in such colors as may be directed by the State Capitol Commissioners; the roofs of said buildings to be painted with one good coat of fireproof roof paint; said roof paint shall be oil paint with lead or iron base, mixed with any fireproof material satisfactory to said Commissioners.

CHAPTER XCV.

An Act to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

[Approved March 12, 1887.]

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

Keep record of sales.

SECTION 1. It is the duty of each and every person, contractor, firm, association, joint stock company, and corporation, manufacturing, storing, selling, transferring, disposing of, or in any manner dealing in, or with, or using, or giving out nitro-glycerine, dynamite, vigorite, hercules powder, giant powder, or other high explosive, by whatever name known, to keep at all times an accurate journal, or book of record, in which must be entered, from time to time, as they are made, each and every sale, delivery, transfer, gift, or other disposition made by such person, firm, association, joint stock company, or corporation, in the course of business or otherwise, of any quantity of such explosive substance.

SEC. 2. Such journal, or record book, must show in a legible handwriting, to be entered therein at the time, a complete history of each transaction, stating the name and quantity of the explosive sold, delivered, given away, transferred, or otherwise disposed of; the name, place of residence, or business of the purchaser or transferee; the name of the individual to whom delivered, with his or her address, with a description of such individual sufficient to provide for identification.

What record must show.

SEC. 3. Such journal or record book must be kept by the person, firm, association, joint stock company, or corporation so selling, delivering, or otherwise disposing of such explosive substance, or substances, in his or their principal office or place of business, at all times subject to the inspection and examination of the peace officers or other police authorities of the State, county, city and county, or municipality where the same is situated, on proper demand made therefor, any failure or neglect to keep such book, or to make the proper entries therein at the time of the transaction, as herein provided, or to exhibit the same to the peace officers or other police authorities on demand, shall be deemed a misdemeanor, and punished accordingly.

Records subject to examination of peace officers.

Crime and punishment for violation.

SEC. 4. In addition to such punishment, and as a cumulative penalty, such person, firm, association, joint stock company, or corporation so offending shall forfeit, for each offense, the sum of two hundred and fifty dollars, to be recovered in any Court of competent jurisdiction, by action at law. The party so instituting such actions shall not be entitled to dismiss the same without consent of the Court before which the suit has been instituted. Nor shall any judgment recovered be settled, satisfied, or discharged, save by order of such Court, after full payment into Court, and all moneys so collected shall be paid to the parties bringing the suit.

Forfeiture in addition to punishment.

Settlement of judgment.

SEC. 5. Any person who in the public street or any highway of any county, city and county, city, or town or city, or at, in, or near to, any theater, hall, public or private school, or college, church, hotel, or other public building, or at, in, or near to, any private habitation, or in, on board of, or near, any railway passenger train, or car or train, or cable road, or car of the same, or steam or other vessel, engaged in carrying passengers, or ferryboat, or other public place, where human beings ordinarily pass and repass, shall recklessly or maliciously, have in his or her possession any dynamite, nitro-glycerine, vigorite, hercules powder, giant powder, or other high explosive; or who shall recklessly or maliciously by use of such means intimidate, terrify, or endanger any human being, is guilty of a felony, and on conviction shall be punished accordingly.

Prohibiting reckless possession of explosives.

Violation a felony.

SEC. 6. Any person not regularly engaged in the manufacture, sale, transportation, or legitimate use in blasting operations, or in the arts, of such substances as are named in this Act, shall be presumed (prima facie) to be guilty of a reckless and malicious possession thereof, within the meaning of the foregoing section, if any such substance is found

Defining reckless possession.

upon him, or in his possession, in any of the places or under any of the circumstances specified in the preceding section.

Punishment
for unlawful
possession.

SEC. 7. No person may knowingly keep or have in his or her possession any dynamite, vigorite, nitro-glycerine, giant powder, hercules powder, or other high explosive, except in the regular course of business carried on by such person, either as a manufacturer thereof, or merchant dealing in the same, or for use in legitimate blasting operations, or in the arts, or while engaged in transporting the same for others, or as the agent or employé of others engaged in the course of such business or operations. Any other possession of any such explosive substances as are named in this Act is unlawful; and the person so unlawfully possessing it shall be punished by imprisonment in the State Prison not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Malicious
deposits.

SEC. 8. Any person who maliciously deposits or explodes, or who attempts to explode, at, in, under, or near any building, vessel, or boat, railroad, tramroad, or cable road, or any train, or car, or any depot, stable, car house, theater, school house, church, dwelling house, or other place where human beings usually inhabit, assemble, frequent, or pass and repass, any dynamite, nitro-glycerine, vigorite, giant or hercules powder, gunpowder, or other chemical compound, or other explosive, with the intent to injure or destroy such building, vessel, boat, or other structure, or with the intent to injure, intimidate, or terrify any human being, or by means of which any human being is injured or endangered, is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State Prison not less than one year.

Crime and
punishment.

Transportation
of high
explosives.

SEC. 9. Any person, firm, or corporation, who shall take, carry, or transport, or cause to be taken, carried, or transported, any dynamite, vigorite, nitro-glycerine, hercules or giant powder, or other high explosive, into the limits of, or through, or across any incorporated city or town of this State, or into, through, or across any harbor for shipping, in any manner, condition, or quantity, or otherwise, in violation of the laws or ordinances of such city or town, or of the laws or regulations governing such harbor, shall, in addition to the penalties provided or imposed by such laws, ordinances, or regulations, forfeit to the State of California all such explosive substances, as well as the cases inclosing the same. Such forfeiture may be sued for by any citizen of the State, for himself and the State; and the goods or property, when so forfeited and recovered by judgment of the Court, shall be sold, and the proceeds divided, the citizen so suing taking one half to himself, for his own benefit, and paying the other half into the State Treasury. Such action may be maintained in any Court of competent jurisdiction; *provided*, that the State shall never be liable to any cost or expense for any such suit or proceeding.

Incorporated
cities and
towns.

Forfeiture.

Disposition
of proceeds
recovered by
judgment.

Police officer
may sue for
forfeitures.

SEC. 10. Any of the forfeitures provided for in this Act may be taken advantage of, and sued for, and recovered, by any peace officer or policeman, member of the police force of any city, and county, or town where the same arises, for

his own benefit, notwithstanding any law, ordinance, or rule, to the contrary.

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

CHAPTER XCVI.

An Act appropriating money for the pay of officers and clerks of the Senate, for its twenty-seventh session.

[Approved March 12, 1887.]

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

SECTION 1. The sum of eight hundred and thirty-seven dollars is hereby appropriated out of the General Fund in the State Treasury, for the pay of the officers and clerks of the Senate, for its twenty-seventh session. Appropriation. Officers Senate, 27th session.

SEC. 2. The Controller shall draw his warrant 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 XCVII.

An Act to appropriate money for salaries of additional clerks in the Controller's office.

[Approved March 12, 1887.]

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

SECTION 1. The sum of nine hundred and thirty-three dollars and thirty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for salaries of additional clerks in the Controller's office, for the thirty-eighth fiscal year. Appropriation. Additional clerks Controller's office, 38th fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCVIII.

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

[Approved March 12, 1887.]

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

Appropriation. Contingent expenses Senate.

SECTION 1. The sum of five 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 XCIX.

An Act to repeal section numbered fourteen hundred and twenty-two, of title eight, of part four, of division second, of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, and to reserve from the operation of said repeal, rights already vested.

[Approved March 15, 1887.]

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

Repealed.

SECTION 1. Section numbered fourteen hundred and twenty-two, of title eight, of part four, of division second, of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, is hereby repealed; *provided*, that the repeal of this section shall not in any way interfere with any rights already vested.

Proviso.

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

CHAPTER C.

An Act to amend section two thousand seven hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

[Approved March 15, 1887.]

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

SECTION 1. Section two thousand seven hundred and twelve 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:

2712. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of constructing or of the maintenance and repairs of any bridge, or the purchase of toll roads, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the general road fund of the county; or, by vote of two thirds of the Board of Supervisors, said Board may, in their discretion, order a portion of the cost of construction and repairs of bridges to be paid out of the county general fund, as well as the general road fund.

Construction of bridges.

Portion of expense paid out of County General Fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER CL.

An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as article five, of chapter seven, of title eleven, of part three, for the purpose of authorizing executors and administrators to make mortgages and leases of the real estate of decedents.

[Approved March 15, 1887.]

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

SECTION 1. A new article is hereby added to the Code of Civil Procedure, to be known as article five, of chapter seven, of title eleven, of part three, and to read as follows:

ARTICLE V.

MORTGAGES AND LEASES OF REAL ESTATE IN CERTAIN CASES.

1577. Whenever, in any estate now being administered, or that may hereafter be administered, it shall appear to the Superior Court, or a Judge thereof, to be for the advantage of the estate to raise money by a mortgage of the real property of the decedent, or any part thereof, or to make a lease of said realty, or any part thereof, the Court or Judge, as often as occasion therefor shall arise in the administration of any estate, may, on a petition, notice, and hearing as provided for in this article, authorize, empower, and direct the executor or administrator to mortgage or lease such real estate, or any part thereof.

Superior Judge may empower administrator to mortgage or lease real estate.

1578. To obtain an order to mortgage such realty the proceedings to be taken and the effect thereof shall be as follows:

First—The executor, administrator, or any person interested in the estate, may file a verified petition showing: (1.) The particular purpose or purposes for which it is proposed

Manner of obtaining authority to mortgage.

Manner of
obtaining
authority to
mortgage.

to make the mortgage, which shall be either to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty, or some part thereof. (2.) A statement of the debts, legacies, charges of administration, liens, or mortgages to be paid, reduced, extended, or renewed, as the case may be. (3.) The advantage that may accrue to the estate from raising the required money by mortgage, or providing for the payment, reduction, extension, or renewal of the subsisting liens, or mortgages, as the case may be. (4.) The amount to be raised, with a general description of the property proposed to be mortgaged; and, (5.) The names of the legatees and devisees, if any, and of the heirs of the deceased, so far as known to the petitioner.

Second—Upon filing such petition, an order shall be made by the Court or Judge, requiring all persons interested in the estate to appear before the Court or Judge, at a time and place specified, not less than four nor more than ten weeks thereafter, then and there to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged the amount mentioned in the petition stating such amount, or such lesser amount as to the Court or Judge shall seem meet, and referring to the petition on file for further particulars.

Third—The order to show cause may be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or it may be published for four successive weeks in a newspaper of general circulation published in the county.

Fourth—At the time and place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the Court or Judge), having first received satisfactory proof of personal service, or publication of the order to show cause, must proceed to hear the petition, and any objections that may be filed or presented thereto. Upon such hearing, witnesses may be compelled to attend and testify in the same manner, and with like effect, as in other cases; and if after a full hearing the Court or Judge is satisfied that it will be for the advantage of the estate to mortgage the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor or administrator to make such mortgage. The order may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest, and period of the loan, and require that the interest, and the whole or any part of the principal, be paid, from time to time, out of the whole estate or any part thereof, and that any buildings on the premises to be mortgaged shall be insured for further security of the lender, and the premiums paid from such income.

Fifth—After the making of the order to mortgage, the executor or administrator shall execute, acknowledge, and deliver a mortgage of the premises for the amount and period specified in the order, setting forth in the mortgage that it is

made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the County Recorder of every county in which the incumbered land or any portion thereof lies. No bond, note, or other personal obligation shall be given with the mortgage or created thereby.

Manner of obtaining authority to mortgage.

Sixth—Every mortgage so made shall be effectual to mortgage and hypothecate all the right, title, interest, and estate which the decedent had in the premises described therein, at the time of his death, and any right, title, or interest in said premises, acquired by his estate, by operation of law, or otherwise, since the time of his death. Jurisdiction of the Court, to administer the decedent's estate, shall be effectual to vest such Court and Judge with jurisdiction to make the order for the mortgage, and such jurisdiction shall conclusively inure to the benefit of the mortgagee named in the mortgage, his heirs, and assigns. No irregularity in the proceedings shall impair or invalidate the same, or the mortgage given in pursuance thereof; and the mortgagee, his heirs, and assigns, shall have and possess the same rights and remedies on the mortgage, as if it had been made by the decedent prior to his death; *provided, however*, that, upon any foreclosure, if the proceeds of the incumbered property are insufficient to pay the mortgage, no judgment or claim for any deficiency of such proceeds, to satisfy the mortgage, or the costs, or expenses of sale, shall be had or allowed, except in cases where the mortgage was given to pay, reduce, extend, or renew a lien or mortgage subsisting on the realty, or some part thereof, at the time of the death of the decedent, and the indebtedness secured by such lien or mortgage was an allowed and approved claim against his estate; *and provided, also*, that in such cases the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in article three, chapter ten, of title eleven, part three, of this Code, with respect to mortgages subsisting at the time of death.

Proviso.

Further proviso.

1579. To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows:

First—The executor, administrator, or any person interested in the estate, may file a verified petition showing: (1.) The advantage or advantages that may accrue to the estate from giving a lease. (2.) A general description of the property proposed to be leased. (3.) The term, rental, and general conditions of the proposed lease; and, (4.) The names of the legatees and devisees, if any, and of the heirs of the deceased, so far as known to the petitioner.

Obtaining order to lease.

Second—Upon filing such petition, an order shall be made by the Court or Judge, requiring all persons interested in the estate to appear before the Court or Judge, at a time and place (specified), not less than two nor more than four weeks thereafter, then and there to show cause why the realty, (briefly indicating it) should not be leased for the period (stating it) at the rental mentioned in the petition (stating it), and referring to the petition on file for further particulars.

Third—The order to show cause may be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or it may be published for two successive weeks in a newspaper of general circulation published in the county.

Manner of
obtaining
authority to
lease.

Fourth—At the time and place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the Court or Judge), the Court or Judge having first received satisfactory proof of personal service, or publication, of the order to show cause, must proceed to hear the petition, and any objections that may be filed or presented thereto. Upon such hearing witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases, and the Court may (in its discretion) appoint one or more, not exceeding three, disinterested persons to appraise the rental value of the premises, and direct that a reasonable compensation for their services, not to exceed five dollars per day, be paid by the estate. If, after a full hearing, the Court or Judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor or administrator to make such lease. The order may prescribe the minimum rental to be received for the premises, and the period of the lease, which must in no case be longer than for five years, and may prescribe the other terms and conditions of such lease.

Fifth—After the making of the order to lease, the executor or administrator shall execute, acknowledge, and deliver a lease of the premises, for the rent, and period, and with the conditions specified in the order, setting forth in the lease that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the County Recorder of every county in which the leased land or any portion thereof lies.

Sixth—Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions therein prescribed, the premises described therein. Jurisdiction of the Court to administer the decedent's estate shall be effectual to vest such Court and Judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs, and assigns. No omission, error, or irregularity in the proceedings shall impair or invalidate the same, or the lease made in pursuance thereof.

SEC. 2. This Act shall take effect immediately.

CHAPTER CII.

An Act to amend section twelve hundred and seventy-eight of the Political Code, relating to canvassing election returns, and to repeal section twelve hundred and seventy-nine of said Code.

[Approved March 15, 1887.]

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

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

1278. The Board of Supervisors of each county must meet, at their usual place of meeting, on the first Monday after each election, to canvass the returns. Time to canvass election returns.

SEC. 2. Section twelve hundred and seventy-nine of said Code is hereby repealed.

CHAPTER CIII.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and add thereto a new section to part one, title nine, and chapter eight thereof, to be known as section one thousand three hundred and eighty-nine, for the prevention of minors being employed by telephone companies, special delivery companies, to delivering notes or messages to houses of prostitution or places of questionable repute.

[Approved March 15, 1887.]

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

SECTION 1. A new section, number one thousand three hundred and eighty-nine, is added to part one, title nine, chapter eight, of the Penal Code of the State of California, to read as follows:

1389. That no minors in the employ of any telephone company, special delivery company, or association, or any other corporation, or person or persons, engaged in the delivery of packages, letters, notes, messages, or other matter, shall be assigned by such corporations, or person or persons, to hire such minors to the keepers of houses, variety theaters, or other places of questionable repute, or to other persons connected with such places of questionable repute, nor to permit them to enter such places of illegal or questionable calling; that this law shall apply alike to managers, superintendents, and agents of such corporations, and to be enforced against them. Prohibiting visits of minors in employ of corporations or persons to houses of questionable repute.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor. Crime.

SEC. 3. This Act shall take effect immediately.

CHAPTER CIV.

An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations, incorporated under the laws of this State.

[Approved March 15, 1887.]

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

Incur indebtedness by annual tax levy.

SECTION 1. Any city, town, or municipal corporation, incorporated under the laws of this State, may, as hereinafter provided, incur indebtedness to pay the cost of any permanent municipal improvement requiring an expenditure greater than the amount allowed for such improvements by the ordinary annual tax levy.

Pass ordinance for construction of municipal buildings, etc.

SEC. 2. Whenever the legislative branch of any city, town, or municipal corporation shall, by ordinance passed by a vote of three fourths of all its members and approved by the Executive of said city, town, or municipal corporation, determine therein that the public interest or necessity demands the acquisition, construction, or completion of any permanent municipal building, work, sewer, property, water rights, bridges, or improvement, the cost of which is too great to be paid for out of the ordinary annual income and revenue of the municipality, they may, after publication of such ordinance for

Publication of ordinance.

at least two weeks in some newspaper published in such city, town, or municipal corporation, and at the next regular meeting after such publication, or at an adjourned meeting thereat, by ordinance, passed by a vote of three fourths of all its members, and also approved by the said Executive, call a special election and submit to the qualified voters of said city, town, or municipal corporation the proposition of incurring a debt for the purpose set forth in the ordinance, and no question other than the incurring of indebtedness for said purpose shall be submitted. The ordinance of the city calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; the estimated cost of such improvement; the necessity for such improvement, and that bonds of the city for municipal improvement shall issue for the payment of the cost, as in said ordinance set forth, if the proposition be accepted by the qualified voters of the city, as hereinafter provided, and shall fix the day on which such special election shall be held, the manner of holding such election, and of voting for or against incurring the indebtedness; *provided*, such election shall be held as provided by law for holding elections in such city, town, or municipal corporation.

Special election.

Objects and purposes of indebtedness.

Proviso.

Manner of publishing ordinance.

Publication of special election.

SEC. 3. Said ordinance shall be published, once each day, for at least ten days, or once a week for two weeks, before the publication of the notice of the special election, in some newspaper published in such city, town, or municipal corporation. After said publication said legislative body shall cause to be published, for not less than two weeks, in at least

one each of the newspapers of such city, a notice of such special election, the purposes for which the indebtedness is to be incurred, the amount of indebtedness to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof. It shall require a vote of two thirds of all voters, voting at such special election, to authorize the issuance of the bonds herein provided.

Two thirds of all voters voting.

SEC. 4. All bonds of municipality, for permanent improvements, issued under the provisions of this Act, shall be of a character of bonds known as serials, and shall be payable in the manner following: One twentieth part of the whole amount of indebtedness shall be payable each and every year, on a day to be fixed by the legislative branch of the city, together with the annual interest on all sums unpaid at such date; and the bonds shall be issued in such amount as the government of such city may determine, but not less than one hundred dollars each or more than one thousand dollars each, payable on the day fixed in said bond, with interest not to exceed the sum of five per cent per annum. Such bonds may be sold by the said legislative branch of such city, town, or municipal corporation as they may determine, at not less than their face value in gold coin of the United States; and the proceeds of such sale shall be placed in the Treasury of such city, town, or municipal corporation, to the credit of the "Municipal Improvement Fund," "No. —," or other designation, and shall be applied exclusively to the purposes and objects mentioned in the ordinance providing for the issuance of such bonds, until said objects are accomplished; and the residue, if any, shall be transferred to the General Fund of said city, town, or municipal corporation.

Serial bonds.

How bonds are to be paid.

SEC. 5. The legislative branch of such city shall, at the time of fixing the general tax levy of said city, and in the manner for such general tax levy provided, levy and collect annually each year for the term of twenty years, a tax sufficient to pay the annual interest on said bonds, and also one twentieth part of the aggregate amount of such indebtedness so incurred. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for city purposes, and shall be collected at the same time and in the same manner as other city taxes are collected.

Levy and collect annual tax.

SEC. 6. Within thirty days after the sale of such bonds, the Executive of said city, town, or municipal corporation shall appoint a Commissioner of such improvement, who shall be confirmed by a vote of not less than three fourths of the members of the legislative branch of said municipal government, and the Commissioner shall have charge of the said improvement and the disbursement of the said funds for such purposes, subject to the conditions of the ordinances of the said city providing for such work or improvement, and such ordinances as may at any time be passed relating thereto; but the Commissioner, when appointed, shall not be removed until the completion of the said improvement,

Commissioner. How appointed.

Duties of Commissioner.

unless by order of the Executive, concurred in by a vote of three fourths of said legislative branch.

Compensation of Commissioner.

SEC. 7. The compensation of the Commissioner to be appointed under the provisions of this Act shall be fixed by ordinance not to exceed five dollars per day for each day of actual service; said Commissioner shall execute an official bond, in the penal sum of ten thousand dollars (\$10,000), for the faithful performance of his duties.

Contracts, how let.

SEC. 8. All contracts for the construction or completion of any work, or of improvements, or furnishing of materials for work or improvements, as herein provided for, shall be let to the lowest responsible bidder, who shall furnish such bonds as the legislative branch of said city, town, or municipal corporation may require.

Bond of City Treasurer.

SEC. 9. Whenever the legislative branch of such city, town, or municipal corporation shall, by resolution, deem it necessary, the Treasurer of such city shall, within ten days after the passage of such resolution, give additional bonds, provided for the proper care and custody of any municipal improvement fund, as in this Act provided.

SEC. 10. All general and special Acts and parts of such Acts in conflict with this Act, or abridging the rights of cities, towns, or municipal corporations herein, are hereby repealed.

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

CHAPTER CV.

An Act to provide for the submission of certain proposed amendments to the Constitution of the State, hereinafter named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven.

[Approved March 15, 1887.]

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

Special election 12th day of April, 1887.

Purpose of.

SECTION 1. The Governor of the State of California is hereby directed to call a special election, to be held on the twelfth day of April, eighteen hundred and eighty-seven, for the purpose of submitting to the qualified voters of the State, for adoption or rejection, the following described amendments to the Constitution of the State, which have been proposed and adopted by the Legislature of this State, at the session beginning on January third, eighteen hundred and eighty-seven, to wit: Senate Constitutional Amendment Number Two (2) proposed in the Senate of said State on March eleventh, eighteen hundred and eighty-seven, and Senate Constitutional Amendment Seven (7) proposed in the Senate of said State on March eighth, eighteen hundred and eighty-seven, relat-

ing to the Judicial Department of the State, and Assembly Constitutional Amendment Number Sixteen (16), relating to the framing of a charter for cities of more than one hundred thousand inhabitants and for cities of over ten thousand and less than one hundred thousand inhabitants, which said constitutional amendments, if adopted, will be numbered, respectively, Constitutional Amendment Number Four, Constitutional Amendment Number Five, and Constitutional Amendment Number Six.

SEC. 2. The amendments to each article of the Constitution shall be voted upon separately from the other, in the manner and form prescribed by the Governor, which manner and form shall be printed and advertised, with the proposed amendments, for the space of twenty days prior to the said twelfth day of April, eighteen hundred and eighty-seven, in such newspapers printed in this State as he may select, not exceeding four in number.

How voted upon.

Form printed and advertised.

SEC. 3. The votes cast for and against said proposed amendments shall be canvassed in the same manner as now provided by law in the election of State officers, other than Governor and Lieutenant-Governor, and if it shall appear that a majority of all the votes cast upon said special election are in favor of such amendment, or any or either of such amendments, as a part of the Constitution of the State, then the Governor shall issue his proclamation, declaring such fact, and the said amendment or amendments thus adopted shall become and be a part of the Constitution of this State.

Canvass of votes.

Governor to issue proclamation.

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

CHAPTER CVI.

An Act to appropriate the sum of five thousand dollars to pay the expenses and disbursements to be incurred and made in maintaining the rights of the State in litigation now pending in, or which may come before, the Supreme Court of the United States, to which the State is or shall be a party, or in the determination of which the State is or shall be interested.

[Approved March 15, 1887.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money not otherwise appropriated, for the purpose of paying any expenses or disbursements which may be incurred or made by the Attorney-General in maintaining the interests of the State in all litigation now pending in or which may come before the Supreme Court of the United States, to which the State is or shall be a party, or in which the State is or shall be interested.

Appropriation. Attorney-General; cases before United States Supreme Court.

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

rant for said amount in favor of the Attorney-General, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CVII.

An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered four hundred and forty-four, one thousand six hundred and twenty-five, and one thousand six hundred and eighty-two, respectively, in relation to the duties of the Controller, and Trustees of school districts, as to apportionment of moneys, the enrollment of pupils in the grammar school course, and to provide for the same; also, to add a new section to said Code, to be numbered one thousand six hundred and sixty-nine, in relation to the manner in which studies shall be taught in the grammar school course and grammar grade, and prescribing the duties of teachers, Principals, and County Superintendents in relation thereto, and to amend sections one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-three, and one thousand six hundred and ninety-six of said Act, in relation to pupils enrolled in the grammar school course, the duties of the Superintendent of Public Instruction, County Superintendents, Principals, and teachers, in relation thereto, and the apportionment of moneys appropriated therefor; also, relating to the examination of applicants to teach in the grammar school course and grammar grade, and the powers of the County Boards of Education to grant certificates to teach in the public schools, including said course and grade.

[Approved March 15, 1887.]

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 an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, to be known as section four hundred and forty-four, to read as follows:

Grammar
School
Course Fund.
How raised.

444. The State Controller must, between the dates aforesaid, also estimate the amount necessary to raise the sum of three dollars for each pupil enrolled in the grammar school course in the several districts of the State where such course is taught. This amount to be in addition to the amount above prescribed. The amount so raised shall constitute the Grammar School Course Fund.

SEC. 2. A new section is hereby added to said Act, to be numbered sixteen hundred and twenty-five, to read as follows:

1625. Trustees of school districts, where the grammar

school course is taught, shall admit in such course all persons, as follows:

1. Residents of the district who were enrolled in the grammar grade. Persons to be admitted.
2. Graduates in the grammar grade of schools in the county.
3. All others, residents of the county, who pass the required examination.

SEC. 3. A new section is hereby added to said Act, numbered one thousand six hundred and eighty-two, to read as follows:

1682. Children not residing in a school district where the grammar school course is taught, who have graduated from the school existing in the district where they respectively reside, or who pass the examination required to enter the grammar school course, may attend the school teaching such course situated nearest to their place of residence; but such attendance shall not in any way prevent the school district where they actually reside from drawing school money therein, if they are under seventeen years of age. Graduates under seventeen years of age.

SEC. 4. A new section is hereby added to said Act, to be numbered one thousand six hundred and sixty-nine, to read as follows:

1669. In the grammar school course, and grammar grades, all the subjects and studies taught shall, as far as practicable, be segregated into natural groups of allied subjects, and one or more of such groups shall be assigned to each of the teachers employed, according to the teacher's special fitness for teaching such subjects and studies; each teacher to manage, subject to the direction of the Principal, the instruction in the group of subjects and studies so assigned. Such assignment and segregation shall be made by the Principal, subject to the approval of the County Superintendent. Segregation of studies
Made by Principal.

SEC. 5. Section one thousand five hundred and thirty-two of said Act is hereby amended as follows:

1532. It is the duty of the Superintendent of Public Instruction:

First—To superintend the public schools in this State.

Second—To report to the Governor, on or before the fifteenth of December preceding each regular session of the Legislature, a statement of the condition of the State Normal School and Branch Normal Schools, and other educational institutions supported by the State, and of the public schools. Duties of Superintendent Public Instruction.
Report to Governor; when to be made.

Third—To accompany his report with tabular statements showing the number of school children in this State; the number attending public schools; the number enrolled in the grammar school course, and the average attendance; the number attending private schools, and the number not attending schools; the amount of State School Fund apportioned, and sources from which derived; the amount raised by county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers and for building school houses. Tabular statement to accompany report.

Fourth—To apportion the State School Fund, and also the Grammar School Course Fund, at the rate of three dollars Apportionment of funds.

- for each pupil enrolled in the grammar school course, the apportionment of these funds to be separate. An abstract of such apportionments to be furnished to the Controller, State Board of Examiners, and each County Treasurer and County Superintendent.
- To whom furnished. *Fifth*—To draw his order on the Controller, in favor of each County Treasurer, for school moneys apportioned to the county.
- Draw order on Controller. *Sixth*—To prepare, have printed, and furnished all officers charged with the administration of the laws relating to public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates, to be used by County Boards of Education.
- Print and furnish blanks and books. *Seventh*—To have the law relating to public schools printed in pamphlet form, and annex thereto forms for making reports and conducting school business, the course of study, rules and regulations, a list of library books, and such suggestions on school architecture as he may deem useful.
- Print laws in pamphlet form. *Eighth*—To supply school officers and teachers, school libraries, and State libraries with one copy each of the pamphlets mentioned in the preceding subdivisions.
- Distribution of pamphlets. *Ninth*—To visit the several orphan asylums to which State appropriations are made, and examine into the course of instruction therein.
- Visit orphan asylums. *Tenth*—To visit the schools in the different counties and inquire into their condition; and the actual traveling expenses thus incurred, provided they do not exceed fifteen hundred dollars per annum, shall be allowed, audited, and paid out of the General Fund, in the same manner as other claims are audited and paid.
- Visit schools. *Eleventh*—To authenticate with his official seal all drafts or orders drawn on him, and all papers and writings issued from his office.
- Authenticate drafts, etc. *Twelfth*—To have bound, at an annual expense of not more than one hundred dollars, all valuable school reports, journals, and documents in his office, or hereafter received by him, payable out of the State School Fund.
- School reports bound. *Thirteenth*—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.
- Delivery to successor. *Fourteenth*—He shall have power to call biennially a convention of County Superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools, as shall properly be brought before it. It is hereby made the duty of all County Superintendents to attend and take part in the proceedings of such convention when it is called; and the actual traveling expenses of County Superintendents in going to and from the convention shall be
- Convention County Superintendents.

allowed by the Board of Supervisors, and paid out of the same fund as the salary of the County Superintendent is paid.

SEC. 6. Section one thousand five hundred and thirty-three of said Act is hereby amended to read as follows:

1533. The Superintendent of Public Instruction must report to the Controller, on or before the tenth day of August of each year, the total number of children in the State between the ages of five and seventeen years, as shown by the latest reports of the County Superintendents on file in his office; and in addition, the total number of pupils in the State enrolled in the grammar school course, under the provisions of section one thousand six hundred and sixty-three of this Code, as reported by the several County Superintendents.

Time to report to Controller number children in State between ages of five and seventeen.

SEC. 7. Section fifteen hundred and forty-three of said Act is hereby amended to read as follows:

1543. It is the duty of the County Superintendent of each county:

Duties of County Superintendent.

First—To superintend the schools of his county.

Second—To apportion the school moneys of each school district quarterly, and for that purpose he may require of the County Auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned, and it is hereby made the duty of the Auditor to furnish such report when so required; and whenever, at the close of the school year, any money has accumulated to the credit of a school district, by reason of a large census roll and small attendance, in excess of a reasonable amount required to maintain the schools six months in such district, the Superintendent of Schools shall apportion the same, as other county school funds are apportioned. If, in any school district, there shall be an average attendance for three months of only five pupils or less, such district shall lapse, and the moneys in the Treasury of the county belonging thereto shall be apportioned by the Superintendent of Schools among the other districts of his county, in proportion to the number of census children between five and seventeen in such district. The property of any school district that shall lapse shall be sold by the Board of Supervisors, and the proceeds of such sale, after the payment of any indebtedness of the district, shall be placed in the County School Fund. The territory included within the boundaries of said district shall, by order of the Board of Supervisors, be attached to one or more adjoining school districts.

Apportion school moneys.

Third—To apportion to each school district where the grammar school course is taught all moneys provided by the State under section four hundred and forty-four of this Code, at the rate of three dollars for each pupil enrolled in said course on the first day of May preceding the date of apportionment.

Grammar school course.

Fourth—On the order of the Board of Trustees, or Board of Education, to draw his requisition upon the County Auditor for all necessary expenses against the School Fund of any city, town, or district. The requisition must be drawn in the order in which the orders therefor are filed in his office.

Draw requisition for expenses.

Each requisition must specify the purpose for which it is drawn; but no requisition shall be drawn unless the money is in the fund to pay it; and no requisition shall be drawn upon the order of the Board of Trustees against the County Fund of any district, except for teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' salaries be drawn unless the order shall state the monthly salary of the teacher, and name the months for which such salary is due. Upon receipt of such requisition the Auditor shall draw his warrant upon the County Treasurer in favor of the parties, and for the amounts stated in such requisition.

Register of requisition open to inspection.

Fifth—To keep open to the inspection of the public a register of requisitions, showing the fund upon which the requisition has been drawn, the number thereof, in whose favor, and for what service drawn, and also a receipt from the person to whom the requisition was delivered.

Visit schools.

Sixth—To visit and examine each school in his county at least once in each year, and for every school not so visited the Board of Supervisors must, on proof thereof, deduct ten dollars from his salary.

Preside over Teachers' Institutes.

Seventh—To preside over Teachers' Institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the County Board of Education the names of all teachers in the county who fail to attend regularly the sessions of the Institute; to enforce the course of study, the use of textbooks, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Issue temporary certificates.

Eighth—Upon the order of the County Board of Education to issue temporary certificates, valid until the next regular meeting of the County Board of Education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which County Boards are empowered to grant certificates without examination, as specified in section seventeen hundred and seventy-five; *provided*, that no person shall be entitled to receive such temporary certificate more than once.

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Distribute laws.

Ninth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of the school officers.

Reports.

Tenth—To keep in his office the reports of the Superintendent of Public Instruction.

Keep record of official acts.

Eleventh—To keep a record of his official Acts, and of the proceedings of the County Board of Education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.

Pass upon plans for school houses.
Fill vacancies, Trustees.
Make reports.

Twelfth—To, except in incorporated cities and towns, pass upon and approve or reject plans for school houses.

Thirteenth—To appoint Trustees to fill all vacancies created by failure to elect, or otherwise, to hold until the next annual election.

Fourteenth—To make reports, when directed by the Super-

intendent of Public Instruction, showing such matters relating to the public schools in his county as may be required of him.

Fifteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk. Deliver records to successor.

Sixteenth—The County Superintendent shall, unless otherwise provided by law, in the month of July in each year, grade each school; and a record thereof shall be made in a book, to be kept by the County Superintendent in his office for said purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same. Grade schools.

Seventeenth—The County Superintendent shall keep a record of pupils enrolled in the grammar school course, if there be such schools in his county, and shall, on or before the first day of August in each year, transmit a copy thereof to the Superintendent of Public Instruction. Record of pupils in grammar school.

SEC. 8. Section seventeen hundred and seventy-one of said Code is amended to read as follows:

1771. County Boards of Education have power:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for their own government. Power of County Board.

Second—To prescribe and enforce rules for the examination of teachers. Rules for examination.

Third—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant certificates of three grades, as follows: Examine applicants.

1. Grammar school course; valid for four years, authorizing holder to teach in any high school, grammar school course, grammar grade, and primary school.

2. Grammar grade; valid for three years, authorizing holder to teach any grammar grade, and primary school.

3. Primary; valid for two years, authorizing holder to teach any primary school.

Fourth—To prescribe and enforce the use of a uniform series of text-books, and a course of study in the public schools, and to adopt a list of books for district school libraries. Prescribe uniform series of text-books.

Fifth—To revoke, for immoral or unprofessional conduct, or evident unfitness for teaching, the certificates granted by them. Revoke certificates.

Sixth—To keep a record of its proceedings. Keep record.

Seventh—To issue diplomas of graduation from any of the public schools of the county; which diplomas shall be designated by the Superintendent of Public Instruction, and distributed as other blanks from his office. Diplomas shall be issued only to pupils who have passed an examination prescribed by the County Board of Education. Such diplomas shall be signed by the President and Secretary of the County Board and the Principal of the school. Issue diplomas.

Eighth—To adopt and use, in the authentication of its acts, an official seal. To whom.

Ninth—To adopt and use, in the authentication of its acts, an official seal. Official seal.

Examination papers open for inspection.

Ninth—All examination papers shall be kept on file in the office of the Superintendent of Schools for at least one year, and shall be open for the inspection of the applicant or his authorized agents.

SEC. 9. Section seventeen hundred and seventy-three of said Code is amended to read as follows:

Examinations to be made in writing.

1773. All examinations shall be in writing, in answer to questions formulated by the Board of Education. The said Board shall also examine all applicants orally, touching the questions asked in each study in which a written examination is required, and such other matters in connection therewith as will have a tendency to demonstrate the fitness of the applicant to assume the duties of teacher. The said Board shall ask questions of practical utility, with a view of ascertaining the knowledge and ability of the applicant. All examinations shall be public.

SEC. 10. Section one thousand six hundred and ninety-six of said Act is hereby amended to read as follows:

Duties of teachers. File certificate.

1696. Every teacher in the public schools must:

Notify County Superintendent.

First—Before assuming charge of a school, file his or her certificate with the County Superintendent.

Enforce rules, etc.

Second—On taking charge of a school, or in closing a term of school, immediately notify the County Superintendent of such fact.

Suspend pupils.

Third—Enforce the course of study, the use of text-books, and the rules and regulations prescribed for schools.

Fourth—Hold pupils to a strict account for disorderly conduct on the way to and from school, on the playgrounds, or during recess; suspend, for good cause, any pupil in the school, and report such suspension to the Board of Trustees, or City Board of Education, for review. If such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final.

Keep register

Fifth—Keep a State school register.

Make annual report.

Sixth—Make an annual report to the County Superintendent, at the time, and in the manner, and on the blanks prescribed by the Superintendent of Public Instruction. Any school teacher who shall end any school term before the close of the school year shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year.

Report grammar school course pupils.

Seventh—Between the fifteenth and thirty-first day of May, inclusive, of each year, the teacher of every school district, or Principal, where there be one, shall report to the County Superintendent the names of all pupils enrolled in the grammar school course on the first day of May of each year.

Eighth—Make such other reports as may be required by the Superintendent of Public Instruction, County Superintendent, or Board of Trustees, or City Board of Education.

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

This Act shall take effect immediately.

CHAPTER CVIII.

An Act to provide for the care and security of the State series of school text-books, by the erection of a fireproof warehouse to be used for the storage of the same, authorizing the appointment of a storekeeper to have the care and custody of said text-books, and appropriating money to pay the expenses of erecting said warehouse.

[Approved March 15, 1887.]

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 the General Fund for the construction of a fireproof warehouse, of which the roof, outside doors, and window shutters, shall be made of iron, the walls of brick, and the floor of concrete, which warehouse shall be used for the storage of the State series of school text-books, and the paper, electrotypes, and other materials necessary for the publication of said State series of text-books. The said fireproof warehouse shall be erected under the supervision of the Superintendent of State Printing, and shall be located in the same inclosure in which the State Printing Office is located, and shall be completed on or before July first, one thousand eight hundred and eighty-seven, A. D.

Appropriation. Fireproof warehouse.

Supervision of Superintendent of State Printing.

Time of completion.

SEC. 2. This Act shall take effect immediately.

CHAPTER CIX.

An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relating to dogs, and the larceny thereof.

[Approved March 15, 1887.]

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

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

491. Dogs are personal property, and their value is to be ascertained in the same manner as the value of other property.

Dogs are personal property.

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

CHAPTER CX.

An Act to pay the claim of J. F. Gawthorne.

[Approved March 15, 1887.]

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-four dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of J. F. Gawthorne, for services rendered as stenographer to the Commissioner of the State Bureau of Labor Statistics in an investigation into the condition of the laboring men employed upon the seawall in the City and County of San Francisco, under a resolution of the Senate of California, adopted on the third day of March, eighteen hundred and eighty-five.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER CXI.

An Act to pay the claim of Jessie A. Galland.

[Approved March 15, 1887.]

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

SECTION 1. The sum of one hundred and twelve dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of Jessie A. Galland for services rendered the Commissioner of the State Bureau of Labor Statistics in an investigation into the condition of the laboring men employed upon the seawall in the City and County of San Francisco, under a resolution of the Senate of California, adopted on the third day of March, eighteen hundred and eighty-five.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER CXII.

An Act to pay the claim of Ed. J. Smith.

[Approved March 15, 1887.]

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

SECTION 1. The sum of one hundred and thirty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim of Edward J. Smith, for services rendered the Commissioner of the State Bureau of Labor Statistics, in an investigation into the condition of the laboring men employed upon the seawall in the City and County of San Francisco, under a resolution of the Senate of California, adopted on the third day of March, eighteen hundred and eighty-five.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER CXIII.

An Act making an appropriation for deficiency in fund for printing the school text-books, for thirty-eighth fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of (\$7,500) seven thousand five 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 the printing and manufacture of State school text-books, for the fiscal year ending June thirtieth, eighteen hundred and eighty-seven.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIV.

An Act to provide for the deficiency in the appropriation the uses of the State Board of Silk Culture, for the thirty-sixth fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency State Board Silk Culture.

SECTION 1. The sum of seven hundred and sixty-three dollars and thirty-one cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the uses of the State Board of Silk Culture, for the thirty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXV.

An Act to provide for the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction, for the thirty-fifth fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency Superintendent Public Instruction.

SECTION 1. The sum of forty dollars and ninety-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVI.

An Act to provide for the deficiency in the appropriation for the transportation of insane, for the thirty-first fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency transportation of insane.

SECTION 1. The sum of fifty dollars and twenty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane, for the thirty-first fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVII.

An Act to provide for the deficiency in the appropriation the transportation of the insane, for the thirty-second fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of fifty dollars and twenty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane, for the thirty-second fiscal year. Appropriation. Deficiency transportation of insane.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVIII.

An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-fifth fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of two hundred and two dollars and forty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane, for the thirty-fifth fiscal year. Appropriation. Deficiency transportation of insane.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIX.

An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-sixth fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of three thousand three hundred and forty-five dollars and ninety-six cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane, for the thirty-sixth fiscal year. Appropriation. Deficiency transportation of insane.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXX.

An Act to provide for the deficiency in the appropriation for the transportation of the insane, for the thirty-seventh fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency transportation of insane.

SECTION 1. The sum of six hundred and twenty-four dollars and sixty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane, for the thirty-seventh fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXI.

An Act to amend sections three hundred and fifty-four, one thousand four hundred and eighty-seven, one thousand four hundred and eighty-eight, one thousand four hundred and eighty-nine, one thousand four hundred and ninety, one thousand four hundred and ninety-one, one thousand four hundred and ninety-two, one thousand five hundred and one, one thousand five hundred and three, one thousand five hundred and four, one thousand five hundred and five, and one thousand five hundred and seven, and to repeal section one thousand five hundred and six, all of said sections being of the Political Code of the State of California, relating to the organization, powers, and duties of Boards of Trustees of State Normal Schools.

[Approved March 15, 1887.]

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

SECTION 1. Section three hundred and fifty-four of the Political Code of the State of California is hereby amended to read as follows:

Board of Trustees State Normal School. How constituted.

354. The Normal Schools at San José and at Los Angeles, and any Normal School established after the first day of January, eighteen hundred and eighty-seven, by the State, shall be known as State Normal Schools, and shall each have a Board of Trustees, constituted as follows: The Governor and State Superintendent of Public Instruction shall be members of each Board, and there shall be five members, whose term of office shall be five years, who shall be appointed by the Governor; *provided*, that the Trustees of the State Normal School in office June thirtieth, eighteen hundred and eighty-seven, shall hold office until the end of the terms for which they were appointed; *provided*, that no appointment made after the approval of this Act shall be for a term of more than five

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years, and the Trustees in office when this Act takes effect shall become members of the Board of Trustees of the Normal School located nearest to their residences, and the members of any Board of Trustees, when first appointed and organized, shall classify themselves so that the term of one Trustee shall expire annually.

SEC. 2. Section one thousand four hundred and eighty-seven of the Political Code of the State of California is hereby amended to read as follows:

1487. The State Normal Schools have for their objects the education of teachers for the public schools of this State. Objects of school.

SEC. 3. Section one thousand four hundred and eighty-eight of the Political Code of the State of California is amended to read as follows:

1488. The State Normal Schools shall be under the management and control of Boards of Trustees, constituted as provided in section three hundred and fifty-four of the Political Code of the State of California. Board of Trustees; manage and control.

SEC. 4. Section one thousand four hundred and eighty-nine of the Political Code of the State of California is hereby amended to read as follows:

1489. The powers and duties of each Board of Trustees are as follows: Defining powers and duties of Board of Trustees.

First—To elect a Secretary, who shall receive such salary, not to exceed one hundred and fifty dollars per annum, as may be allowed by the Board.

Second—To prescribe rules for their own government, and for the government of the school.

Third—To prescribe rules for the reports of officers and teachers of the school, and for visiting other schools and institutes.

Fourth—To provide for the purchase of school apparatus, furniture, stationery, and text-books for the use of the pupils.

Fifth—To establish and maintain training or model schools, and require the pupils of the Normal School to teach and instruct classes therein.

Sixth—To elect a Principal and other necessary teachers, fix their salaries, and prescribe their duties.

Seventh—To issue diplomas of graduation upon the recommendation of the Faculty of the school.

Eighth—To control and expend all moneys appropriated for the support and maintenance of the school, and all money received from tuition or from donations. In no event shall any moneys appropriated for the support of the school, or received from tuition or donations, be paid or used for compensation or traveling expenses of the Trustees of the school, except when attending the joint meetings provided for by section one thousand four hundred and ninety-two of the Political Code of the State of California, and each Trustee attending such meetings shall receive the same mileage as is allowed by law to members of the Legislature, for not more than two meetings in each school year.

Ninth—To cause a record of all their proceedings to be kept, which shall be open to public inspection at the school.

Tenth—To keep, open to public inspection, an account of receipts and expenditures.

Eleventh—To annually report to the Governor a statement of all their transactions, and of all matters pertaining to the school.

Twelfth—To transmit with such report a copy of the principal teacher's annual report.

Thirteenth—To revoke any diploma by them granted, on receiving satisfactory evidence that the holder thereof is addicted to drunkenness, is guilty of gross immorality, or is reputedly dishonest in his dealings; *provided*, that such person shall have at least thirty days' previous notice of such contemplated action, and shall, if he asks it, be heard in his own defense.

SEC. 5. Section one thousand four hundred and ninety of the Political Code of the State of California is hereby amended to read as follows:

Meetings of Trustees.

1490. Each Board of Trustees must hold two regular meetings in each year, and may hold special meetings, at the call of the Secretary, when directed by the Chairman.

SEC. 6. Section one thousand four hundred and ninety-one of the Political Code of the State of California is hereby amended to read as follows:

Time and place of meeting fixed by by-laws.

1491. The time and place of regular meetings must be fixed by the by-laws of the Board. The Secretary must give written notice of the time and place of special meetings to each member of the Board.

SEC. 7. Section one thousand four hundred and ninety-two of the Political Code of the State of California is hereby amended to read as follows:

Joint meetings of Board of Trustees and duties.

1492. Joint meetings of the Boards of Trustees of the State Normal Schools shall be held at least once in each school year, alternately, at the different State Normal Schools. The first meeting shall be held at San José, and thereafter at the other Normal Schools in the order of their organization. At such meetings the Trustees shall have the power, and it shall be their duty:

First—To prescribe a uniform series of text-books for use in the State Normal Schools. The State series of text-books shall be used, when published, in the grades and classes for which they are adapted.

Second—To prescribe a uniform course of study, and time, and standard for graduation from the State Normal Schools.

SEC. 8. Section one thousand five hundred and one of the Political Code of the State of California is hereby amended to read as follows:

Annual report of Principal.

1501. The Principal of each State Normal School must make a detailed annual report to the Board of Trustees, with a catalogue of the pupils, and such other particulars as the Board may require or he may think useful.

SEC. 9. Section one thousand five hundred and three of the Political Code of the State of California is hereby amended to read as follows:

Board of Trustees may issue diplomas.

1503. The Board of Trustees of each State Normal School, upon the recommendation of the Faculty, may issue to those

pupils who worthily complete the full course of study and training prescribed, a diploma of graduation. To each pupil receiving this diploma, and thereafter teaching successfully in the public schools of this State for three years, and to each pupil who worthily completes the post graduate course, the State Board of Education shall grant an educational diploma.

SEC. 10. Section one thousand five hundred and four of the Political Code of the State of California is hereby amended to read as follows:

1504. The Boards of Trustees, or such Trustees as attend the joint meetings, shall have power to appoint a Secretary, who shall receive such compensation, not to exceed twenty dollars for each joint meeting, as the Trustees present at the meeting may order paid. The Secretary shall keep a full record of all the proceedings of the joint meetings of the Trustees, and shall notify the Secretary of each Board of Trustees of any changes made in the course of study or the text-books to be adopted in the State Normal Schools.

Appoint Secretary. Compensation of.

Keep record of joint meetings.

SEC. 11. Section one thousand five hundred and seven of the Political Code of the State of California is hereby amended to read as follows:

1507. Each order upon the Controller of State by the Board of Trustees of a State Normal School must be signed by the President of the Board, and countersigned by the Secretary. Upon presentation of the order aforesaid, signed and countersigned as aforesaid, the Controller of State must draw his warrant upon the State Treasurer in favor of the Board of Trustees for any moneys, or any part thereof, appropriated and set apart for the support of the Normal School, and the Treasurer must pay such warrants on presentation.

Moneys; how expended.

SEC. 12. Section one thousand five hundred and six of the Political Code of the State of California is hereby repealed.

SEC. 13. This Act shall take effect and be in force on and after the first day of July, eighteen hundred and eighty-seven.

CHAPTER CXXII.

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

[Approved March 15, 1887.]

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

SECTION 1. In addition to the books directed to be compiled for use in the common schools of the State by section one of the Act entitled 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 twenty-sixth,

Defining additional books for compilation.

eighteen hundred and eighty-five, the State Board of Education shall compile, or cause to be compiled, the following described text-books, viz.: One (1) Elementary Arithmetic, one (1) Elementary Grammar, or Language Lessons; one (1) Elementary Geography; one (1) Physiology and Hygiene, including a system of gymnastic exercises; and special instructions as to the nature of alcoholic drinks and narcotics, and their effects upon the human system; and the sum of fifteen thousand dollars, in addition to the unexpended balance of the sum appropriated by section eight of said Act aforesaid, 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 text-books hereinbefore enumerated, together with those enumerated in section one of said Act aforesaid, and still remaining to be compiled. 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 Treasurer for the payment of said demands, and the State Treasurer is authorized to pay the same.

Appropriation.

Subject to order of State Board of Education.

Remuneration for compiling books.

Proviso.

Cuts and engravings.

Supervision of Superintendent of State Printing.

Proviso.

Provided further.

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.

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 all folding, stitching, binding, and ruling 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. The sum of one hundred and sixty-five thousand dollars, in addition to the unexpended balance of the sum

appropriated by section nine of said Act aforesaid, approved February twenty-sixth, eighteen hundred and eighty-five, seven thousand five hundred dollars of which shall be available during the present fiscal year, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to purchase the necessary machinery and to properly maintain the same, and to purchase such type and other materials as may be required in the manufacture of the text-books provided for in section one of this Act, together with those enumerated in section one of said Act aforesaid, approved February twenty-sixth, eighteen hundred and eighty-five, and remaining to be manufactured, 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.

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

SEC. 5. All moneys that have been received or may here-
 after be received from the State series of school text-books, shall be kept by the State Treasurer as a separate and distinct fund, to be known as the "State School Book Fund," which said fund shall be subject to the following drafts, viz.: by the Superintendent of State Printing for all moneys needed for manufacturing any editions of any book of the State series, over and above the first fifty thousand copies manufactured of such book, the same to be drawn as provided in subdivision four of section five hundred and twenty-six of the Political Code; *provided*, that all demands on the State School Book Fund shall be 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 Treasurer for the payment of said demands, and the State Treasurer is authorized to pay the same. Moneys received kept in State Treasury.
"State School Book Fund."

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

CHAPTER CXXIII.

An Act to amend sections one thousand six hundred and sixty-five and one thousand six hundred and sixty-seven of the Political Code of California, relating to branches of studies to be taught in the public schools.

[Approved March 15, 1887.]

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

SECTION 1. Section one thousand six hundred and sixty-five of the Political Code of the State of California is hereby amended to read as follows:

Defining
branches of
studies to be
taught.

1665. Instruction must be given in the following branches, in the several grades in which each may be required, viz.: Reading, writing, orthography, arithmetic, geography, grammar, history of the United States, elements of physiology and hygiene, with special instruction as to the nature of alcoholic drinks and narcotics and their effects upon the human system, vocal music, elements of bookkeeping and industrial drawing, and practical entomology.

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

Instruction
in deport-
ment.

1667. Instruction must be given in all grades of schools and in all classes during the entire school course, in manners and morals, and upon the nature of alcoholic drinks and narcotics and their effects upon the human system.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXIV.

An Act to amend sections one thousand five hundred and ninety-three, one thousand six hundred and twelve, and one thousand six hundred and thirteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to School Trustees.

[Approved March 15, 1887.]

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

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

Time and
place of
election.

1593. An election for School Trustees must be held in each district on the first Saturday in June of each year, at the district school house, if there is one, and if there is none, at a place to be designated by the Board of Trustees.

Number of
Trustees.

First—The number of School Trustees for any school district, except when City Boards are otherwise authorized by

law, shall be three. No person shall be deemed ineligible to the office of Trustee on account of sex. Qualification.

Second—In new school districts, or in a case of vacancy for any cause in an old one, the School Trustees shall be elected to hold office for one, two, and three years respectively, from the first day of July next succeeding their election. Filling vacancies.

Third—Except as provided in subdivision second of this section, one Trustee shall be elected annually to hold office for three years, or until his successor shall be elected and qualified. Term of office.

SEC. 2. Section sixteen hundred and twelve of said Code is hereby amended to read as follows:

1612. In school districts newly organized, or in cases of vacancies for any cause in any old one, three School Trustees must be elected to hold office for one, two, and three years respectively, from the first day of July next succeeding their election. Term of office in new districts.

SEC. 3. Section sixteen hundred and thirteen of said Code is hereby amended to read as follows:

1613. The term of office of School Trustees is three years, from the first day of July next succeeding their election.

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

CHAPTER CXXV.

An Act to amend section one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to apportionment of school moneys.

[Approved March 15, 1887.]

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

SECTION 1. Section one thousand eight hundred and fifty-eight of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, is hereby amended to read as follows:

1858. All State school moneys apportioned by the Superintendent of Public Instruction, must be apportioned to the several counties in proportion to the number of school census children between the ages of five and seventeen years, as shown by the returns of the School Census Marshals of the preceding school year; *provided*, that Indian children, not living under the guardianship of white persons, and Mongolian children, shall not be included in the apportionment list. The School Superintendent in each county must apportion all State and county school moneys as follows: State school moneys. How apportioned.

First—He must ascertain the number of teachers each district is entitled to, by calculating one teacher for every seventy school census children between the ages of five and seventeen years, or fraction thereof not less than twenty school census children, as shown by the next preceding school census. Proviso. Calculate number of teachers.

Number of teachers for county.

Second—He must ascertain the total number of teachers for the county, by adding together the number of teachers assigned to the several districts.

Appropriation for districts.

Third—Five hundred dollars shall be apportioned to each district for every teacher assigned it; *provided*, that to districts having ten and less than twenty school census children, shall be apportioned four hundred dollars; *provided further*, that to districts having over seventy school census children and a fraction of less than twenty, there shall be apportioned twenty dollars for each census child in said fraction.

Distribution of money on hand after apportionment.

Fourth—All school moneys remaining on hand after apportioning to the districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year. Census children, where mentioned in sections one thousand eight hundred and seventeen and one thousand eight hundred and fifty-eight, shall be construed to mean those between the ages of five and seventeen years.

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

CHAPTER CXXVI.

An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fourth fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Claim of John C. Edgar.

SECTION 1. The sum of one hundred and forty dollars (\$140) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for transporting two (2) insane persons, to wit: Hugh Devine and Joseph Herling, from the county seat of said County of San Mateo, viz., Redwood City, and delivering said persons at the Insane Asylum of the State of California, at Stockton, for the twenty-fourth fiscal year.

How to be expended.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said John C. Edgar for said sum of one hundred and forty dollars, and deliver the same to said Edgar, upon said Edgar surrendering to said Controller of State the receipts for said insane persons, issued by the Medical Superintendent or Resident Physician of said Insane Asylum to said Edgar, and the State Treasurer is hereby authorized and directed to pay said warrant.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXVII.

An Act to amend an Act entitled 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.

[Approved March 15, 1887.]

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

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

Section 6. All orders for text-books shall be made on the Superintendent of Public Instruction, and shall be accompanied by cash, in payment for the same, at the price fixed by the State Board of Education as the cost price at Sacramento; *provided*, that if the books are to be shipped by mail, the cost of postage shall also accompany the order. The following persons shall be entitled to order books:

1. County Superintendents of Schools, for the use of teachers, parents, and pupils in their counties only.

2. Principals of State Normal Schools, for their own and for the use of the pupils in their respective schools only.

3. The Secretary or Clerk of any school district in the State, whether incorporated or operating under the general law of the State, for the use of the pupils in such district only; but no books ordered by the County Superintendents, or Clerks of District Boards of Trustees, or Principals of State Normal Schools, shall be sold at a price exceeding the cost price at Sacramento, with the actual cost of freight and cartage added.

4. Any retail dealer who shall first transmit to the State Superintendent of Public Instruction an affidavit duly subscribed by him, in substance as follows, to wit:

"In consideration of receiving for sale, upon the inclosed or upon any future order, the series of school text-books, or any part thereof, published by the State of California, I hereby agree that I will not sell the same to any person or persons for the purpose of being sold again, or to any person or persons beyond the limits of the State of California; and that I will not sell said series of text-books, or any part or portion thereof, at a price exceeding the price to the pupil fixed by the State Board of Education."

Said affidavit shall be indorsed by the County Superintendent in the following words, viz.:

"I hereby certify that (A. B.) is a regular retail dealer in school books in — County. C. D., County Superintendent."

It shall be the duty of the State Superintendent of Public Instruction to furnish, at once, to each County Superintendent, for the use of any dealer in his county who may apply for permission to sell the books of the State series, printed copies

of the above affidavit, together with the list of prices of such books fixed as the cost price at Sacramento, and the price to the pupil; and any dealer who shall fail to comply with the conditions of such affidavit shall forfeit his right to any further purchase of said books from the State. 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 pay the moneys received for the same into the State Treasury. It shall also be the duty of the Superintendent of State Printing, on or before the fifth day of every month, to report to the State Controller 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.

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

Duties of Board of Supervisors.

Section 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 sale of said books to the scholars of the public schools of his county, either by himself or by the teachers of the public schools, or the Clerks of Boards of District Trustees.

Purchase of books.

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

Furnished at cost of printing, etc.

Section 10. All school books compiled by the State shall be furnished to the public school children of the State at the cost of printing, publishing, and distributing the same; said cost to be ascertained and fixed by the State Board of Education, on or before the fifteenth day of June of each school year; *and it is further enacted*, that the cost of distribution shall be taken to be the cost of postage required for mailing each book.

State Board of Education to fix cost.

Superintendent of Public Instruction to employ assistance.

SEC. 4. The Superintendent of Public Instruction is hereby authorized to employ assistance necessary to the carrying out of the provisions of this Act. And the Controller is hereby directed and authorized to draw his warrants for a sum, not exceeding two thousand dollars annually, on the General Fund of the State, for the payment of such assistance.

Compensation.

SEC. 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

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

CHAPTER CXXVIII.

An Act for the better protection of settlers on the public lands of the United States within the State of California, and for the protection and encouragement of persons desirous of settling thereon.

[Approved March 15, 1887.]

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

SECTION 1. Every person who shall unlawfully prevent, hinder, or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land of the United States within the State of California, subject to settlement or entry under any of the public land laws of the United States; or who shall unlawfully hinder, prevent, or obstruct free passage over or through the public lands of the United States within the State of California, for the purpose of entry, settlement, or residence as aforesaid, is guilty of a misdemeanor, and is punishable by fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding six months, and may be punished by both such fine and imprisonment, in the sound discretion of the Court.

Defining crime, and punishment for violation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXIX.

An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the holding of Superior Courts by Superior Judges of other counties, and providing for their actual expenses.

[Approved March 15, 1887.]

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

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

160. If by reason of sickness, absence, disability, or other causes, a regular session of the Superior Court cannot be held in any county by the Judge or Judges thereof, or by a Superior Judge requested by him or them to hold such Court, a certificate of that fact shall be transmitted by the Clerk thereof to the Governor, who may thereupon request some other Superior Judge to hold such Court; and a Judge so holding a Court at the request of the Governor, or at the request of the Judge or Judges of said Superior Court, shall be allowed his actual and necessary expenses in going to, returning from, and attending upon the business of such

Governor to appoint Superior Judge to hold Court in other counties in cases of sickness.

Court, which shall be a charge against the Treasury of the county where such Court is held, and paid out of the General Fund thereof.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXX.

An Act to amend section thirty-two of an Act entitled "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.

[Approved March 15, 1887.]

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

SECTION 1. Section thirty-two of the Act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:

Proceeds of
sale of bonds
deposited in
City Treas-
ury.
Sewer Fund.

Section 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 the contract; *provided*, that after the completion of the sewers, for the construction of which said bonds were issued, if there be any money of said fund left in the Treasury, the same may be transferred to the General Fund, for general purposes.

Proviso.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXI.

An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, by adding a new section thereto, to be known and numbered as section two thousand six hundred and forty-six, relating to roads and highways.

[Approved March 15, 1887.]

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

SECTION 1. That an Act entitled an Act to repeal chapter two, of title six, part three, of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said

Code, and substitute the same in place of said repealed chapter two, in said Code, relating to roads and highways, approved February twenty-eighth, eighteen hundred and eighty-three, is hereby amended so as to read as follows :

2646. The Boards of Supervisors of the several counties of this State may, in their discretion, upon the petition of a majority of the freeholders of one or either of the road districts of their respective counties, said number to be ascertained by the last assessment roll of the county, divide said road district or road districts into sections, according to natural boundaries, or other circumstances.

Board of Supervisors to divide road districts into sections.

1. They shall advertise by a notice in a weekly paper at the county seat, if there be one, and if not, in a paper next nearest, for four consecutive weeks, for bids to maintain the roads of each and every section so divided, for a term of two years.

Notice in weekly paper.

2. They shall award the contracts to the lowest responsible bidder, who must reside in the district in which said sections are located, and cause a bond to be executed in an amount equal to the amount of the contract, per annum, for the faithful performance of the work. The Supervisors may reject any and all bids.

To whom to award contracts.

3. They shall cause the road poll taxes of such sectionized district to be collected by the Road Overseer of the district, and to allow him fifteen per cent of amount collected.

Road Overseer to collect poll tax.

4. They shall cause the work on the several sections of each district to be inspected by the Road Overseer, and a written report made thereon, and presented at the meeting of the Board in January, April, August, and November of each year.

Road Overseer to inspect work and report.

5. They shall cause the amount due each contractor to be paid quarterly, upon the favorable report of the Overseer, and approved by the Board of Supervisors.

Contractor. How paid.

6. They shall cause to be kept a book showing the number of the sections in each district, the boundaries, length in miles and fraction of miles, names of contractors, amounts of contracts, and the cost of maintaining an average mile of road under the contract system.

Records. How to be kept.

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

CHAPTER CXXXII.

An Act to amend section one thousand one hundred and sixty of the Political Code of the State of California, relating to elections.

[Approved March 15, 1887.]

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

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

1160. The polls must be opened at six o'clock on the morning of the day of election, and must be kept open until

Time for opening and closing polling places.

seven o'clock on the evening of the same day, when the polls shall be closed.

CHAPTER CXXXIII.

An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 15, 1887.]

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

Reorganization of municipal corporations since passage of Act valid and legal.

SECTION 1. All cities and counties, cities, or towns reorganized, or claiming to have been reorganized, since the passage of the Act the title of which is recited in the title hereof, or which have attempted since said date to reorganize under the provisions of said Act, and have acted as municipal corporations since such reorganization, or attempted reorganization, are hereby declared to be, and to have been from the date of such reorganization, or attempted reorganization, duly and legally incorporated and reorganized cities, and all proceedings for the reorganization of such municipal corporations are hereby validated and declared legal.

CHAPTER CXXXIV.

An Act to amend an Act to establish a Political Code, approved March 12, 1872, by adding thereto a new section, to be known as section two thousand six hundred and ninety-six, relating to proceedings for procuring land for the purpose of raising the banks of streams, in order to more effectually protect public roads and highways.

[Approved March 15, 1887.]

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

Manner of procuring land for protection of roads and highways.

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section two thousand six hundred and ninety-six, and to read as follows:

2696. Whenever it shall become necessary to acquire land in order to raise the banks along any stream, or remove obstructions therefrom, or widen, deepen, or straighten their channels, for the purpose of protecting any public road or highway, the Board must, by order, direct proceedings to procure the land necessary for such purpose to be instituted by the District Attorney of the county, in the name

of the county, under and as provided in title seven, part three, of the Code of Civil Procedure.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXV.

An Act to add a new section, to be numbered four hundred and twenty-five, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to increasing police force of State Capitol grounds.

[Approved March 15, 1887.]

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

SECTION 1. There is added a new section to the Political Code, as follows, to be numbered four hundred and twenty-five:

425. The Board of Capitol Commissioners shall appoint two special policemen, to hold office during its pleasure, for the State Capitol grounds, who shall have the power of peace officers, and receive for their services a salary of one hundred dollars per month each. Commissioners to appoint two policemen. Compensation.

SEC. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of fifty-four hundred dollars, to pay the salaries of the two special policemen by this Act provided to be appointed, commencing April first, eighteen hundred and eighty-seven. Appropriation.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXVI.

An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes.

[Approved March 15, 1887.]

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-ninth and fortieth fiscal years, and for the deficiencies that have accrued during the thirty-seventh and thirty-eight 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 Board of Equalization to fix ad valorem tax.

Thirty-ninth fiscal year. provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the thirty-ninth fiscal year:

General Fund. *First*—For the General Fund, three million two hundred and twenty-five thousand dollars.

School Fund. *Second*—For the School Fund, one million six hundred thousand dollars.

Interest and Sinking Fund. *Third*—For the Interest and Sinking Fund, two hundred thousand dollars.

Fortieth fiscal year. And for the fortieth fiscal year:

General Fund. *First*—For the General Fund, two million eight hundred and fourteen thousand dollars.

School Fund. *Second*—For the School Fund, one million eight hundred thousand dollars.

Interest and Sinking Fund. *Third*—For the Interest and Sinking Fund, two hundred thousand dollars.

CHAPTER CXXXVII.

An Act to amend sections one thousand one hundred and eighty-three, one thousand one hundred and eighty-four, one thousand one hundred and eighty-seven, one thousand one hundred and ninety-one, and to repeal section one thousand two hundred and three 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, all relating to liens of mechanics and others.

[Approved March 15, 1887.]

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

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

Lien upon property upon which they have bestowed labor.

1183. Mechanics, material men, contractors, subcontractors, 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, addition to, 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, subcontractor, architect, builder,

or other person having charge of any mining, or of the construction, alteration, addition to, 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 reputed 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 the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, and the amounts of all partial payments, together with the times when such payments shall be due and payable, 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.

Contracts shall be in writing.

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:

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 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 that the contractor to whom it was paid may thereafter abandon his contract, or be or become indebted to the reputed 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 reputed

Contract price payable in installments.

Proviso.

owner and against the contractor; no alteration of any such contract shall affect any lien acquired under the provisions of this chapter. In case such contracts and alterations thereof do not conform substantially to the provisions of this section, 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 and request of the person who contracted with the contractor, 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 reputed 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 reputed 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 may be given by delivering the same to the reputed 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 or improvement. No such notice shall be invalid by reason of any defect of form, provided it is sufficient to inform the reputed owner of the substantial matters herein provided for, or to put him upon inquiry as to such matters. Upon such notice being given, it shall be the duty of the person who contracted with the contractor to, and he shall, withhold from his contractor, or from any other person acting under such reputed owner, and to whom by said notice the said labor or materials, or both, have been furnished, or agreed to be furnished, sufficient money due, or that may become due to such contractor, or other person, to answer such claim and any lien that may be filed therefor for record under this chapter, including counsel fees not exceeding one hundred dollars in each case, besides reasonable costs provided for in this chapter.

SEC. 3. Section eleven hundred and eighty-seven of the Code of Civil Procedure is amended so as to read as follows:

1187. Every original contractor, within sixty days after the completion of his contract, and every person, save the original contractor, claiming the benefit of this chapter, must, within thirty days after the completion of any building, improvement, or structure, or after the completion of the alteration, addition to, or repair thereof, or the performance of any labor in a mining claim, file for record with the County Recorder of the county in which such property, or some part thereof, is situated, a claim containing a statement of his demand, after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, and also the name of the person by whom he was employed, or to whom he furnished the materials, with a statement of the terms, time given, and conditions of his

Written notice of labor performed.

Notice, how delivered.

Time and place of filing claim.

contract, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of himself, or of some other person; any trivial imperfection in the said work, or in the construction of any building, improvement, or structure, or of the alteration, addition to, or repair thereof, shall not be deemed such a lack of completion as to prevent the filing of any lien; and in case of contracts, the occupation or use of the building, improvement, or structure by the owner, or his representative, or the acceptance by said owner or his agent of said building, improvement, or structure, shall be deemed conclusive evidence of completion; and cessation from labor for thirty days upon any unfinished contract or upon any unfinished building, improvement, or structure, or the alteration, addition to, or repair thereof, shall be deemed equivalent to a completion thereof for all the purposes of this chapter.

Description of property.

SEC. 4. 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 reputed 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, or constructs any areas, or vaults, or cellars, or rooms, under said sidewalks, or makes any improvements in connection therewith, has a lien upon said lot for his work done and materials furnished.

Lien upon lot for improving.

SEC. 5. Section one thousand two hundred and three of the Code of Civil Procedure is hereby repealed.

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

CHAPTER CXXXVIII.

An Act to provide for the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of eighty-six and fifty one hundredths dollars (\$86⁵⁰/₁₀₀) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the traveling expenses of the Board of Railroad Commissioners, for the thirty-third fiscal year.

Appropriation. Deficiency Board of Railroad Commissioners.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXIX.

An Act to provide for the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency for preservation of fish.

SECTION 1. The sum of four hundred and five dollars and eighteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXL.

An Act to appropriate money to meet the deficiency in the appropriation for the costs and expenses of suits where the State is a party in interest, for the thirty-fifth fiscal year, to pay the claim of William Applegarth.

[Approved March 15, 1887.]

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

Appropriation. Claim of William Applegarth.

SECTION 1. The sum of one hundred and thirty-two dollars and sixty cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the deficiency in the appropriation for costs and expenses of suits where the State is a party in interest, for the thirty-fifth fiscal year, to pay the claim of William Applegarth, now on file in the State Controller's office.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXI.

An Act to amend section three thousand seven hundred and sixty-eight of the Political Code of the State of California, relating to the time and place where sales of property for delinquent taxes shall be held.

[Approved March 15, 1887.]

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

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

3768. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be in or in front of the Court House or the Tax Collector's office, as the Board of Supervisors may, by resolution, direct, for all State and county taxes; and for all other taxes, in front of the Tax Collector's office in their respective towns, cities, and local districts.

Time and place of sale.

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

CHAPTER CXLII.

An Act to provide for the payment of the expenses incurred in fitting up and furnishing the chambers of the Supreme Court Commissioners.

[Approved March 15, 1887.]

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

SECTION 1. The sum of two thousand two hundred and seventy-six dollars and ninety cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the expenses incurred in fitting up and furnishing the chambers now occupied by the Supreme Court Commissioners, as per demands authorized and approved by the Justices of the Supreme Court, and allowed by the State Board of Examiners, and now on file in the office of the Controller of State; and the State Controller is hereby ordered and directed to draw his warrants for the same in favor of the several claimants, as per the bills now on file in his office.

Appropriation. Expenses of Supreme Court chambers.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLIII.

An Act to provide for the deficiency in the appropriation the expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-seventh fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency in expenses of Supreme Court.

SECTION 1. The sum of two hundred and thirty-seven dollars and ninety-one cents 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, under section forty-seven of the Code of Civil Procedure, for the thirty-seventh fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLIV.

An Act to provide for the deficiency in the appropriation for the cleaning and transportation of arms for the National Guard of California, for the thirty-fourth fiscal year.

[Approved March 15, 1887.]

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

Appropriation. Deficiency National Guard.

SECTION 1. The sum of six dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the cleaning and transportation of arms for the National Guard of California, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLV.

An Act to provide for the deficiency in the appropriation the contingent expenses in the office of the Secretary of State, for the thirty-sixth fiscal year.

[Approved March 15, 1887.]

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

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

Treasury not otherwise appropriated, to pay the deficiency in the appropriation for contingent expenses in the office of the Secretary of State, for the thirty-sixth fiscal year.

Appropriation. Deficiency in contingent expenses of Secretary of State.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLVI.

An Act to provide for the deficiency in the appropriation for the contingent expenses of the office of the Surveyor-General, for the thirty-seventh fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of sixteen dollars and fifty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the contingent expenses of the office of the Surveyor-General, for the thirty-seventh fiscal year.

Appropriation. Deficiency in contingent expenses of Surveyor-General.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLVII.

An Act to provide for the deficiency in the appropriation for traveling expenses of the Attorney-General, for the thirty-fifth fiscal year.

[Approved March 15, 1887.]

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

SECTION 1. The sum of eighty-four dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the Attorney-General, for the thirty-fifth fiscal year.

Appropriation. Deficiency in traveling expenses of Attorney-General.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLVIII.

An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home.

[Approved March 17, 1887.]

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

ARTICLE I.

SECTION 1. The sum of sixty-five 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 the Adult Blind," and to be expended for the objects and in the manner hereinafter specified.

SEC. 2. The said appropriation is for the purpose of teaching and supporting the adult blind that may be admitted to the "Home," and for providing the material for the workshops, the cost of additional machinery for the same, the payment of all persons employed at the Home, and for all legitimate expense of maintaining the institution hereinbefore named.

SEC. 3. All moneys drawn from this fund shall be drawn only when bills have been ordered paid by the Board of Directors of the Home, and approved in writing by the State Board of Examiners; and, when so approved, the State Controller must issue his warrant in payment thereof, and the State Treasurer must pay the same.

SEC. 4. The Governor of the State shall appoint five citizens of the State, who shall organize as and constitute the Board of Directors for the Home for Adult Blind.

SEC. 5. The Home shall be located at such a place as the Board of Directors may designate.

ARTICLE II.

SECTION 1. The objects of the Industrial Home are: First, to instruct the adult blind that may be admitted as inmates in some trade or trades, in order to enable them to contribute to their own support; and, second, to furnish a working home for the adult blind, who, after having learned a trade or trades, desire to remain at the Home as workmen; *provided*, that all of the latter class who remain shall pay to the State, through the Board of Directors, the cost of their maintenance at the Home. The rate of wages to be paid to these journeymen, as well as the amount which they must pay for their maintenance, shall be fixed by the Board.

SEC. 2. Every blind person who has been a resident of this State for the period of three years prior to his application

for admission, of suitable age, character, and qualifications (as hereinafter provided) shall be entitled to the benefits of instruction in said Home free of charge; *provided*, that the Board of Directors may admit blind persons from other States; but the admission of such blind persons shall be made under such conditions only as shall not entail cost on this State; *and provided further*, that the admission of persons not residents of this State shall in no case be allowed, if such admission would exclude a qualified blind resident of this State.

Proviso.

Further provided.

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 Home, made without restraining conditions, whenever resort to said donations or bequests 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 Controllor must issue his warrant therefor, directed to the State Treasurer, in favor of the Board of Directors. The State Treasurer is authorized to pay such warrant only when indorsed by the Secretary, and attested by the President of the Board. No claim for wages of employés or workmen at trades shall be audited by the Board of Directors until having first received from the foreman his monthly time certificate, duly verified by his oath, and stating the amount of labor performed by the employé or workman.

Salaries of officers, how paid.

Claims to be approved.

Controllor to issue warrant.

Foreman's monthly time certificate.

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.

Bonds.

ARTICLE III.

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

Powers and duties of Directors.

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, and to admit suitable persons as inmates thereof. And in the admission of inmates the Board of Directors shall have regard to an equitable representation from each county in the State.

By-laws.

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

Trades to be taught.

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.

Elect Superintendent and subordinate officers.

- Elect Physician.** *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.
- Salary of.**
- Elect Secretary.** *Third*—To elect a Secretary, whose salary shall not exceed six hundred dollars per annum, and who shall be required to give a bond in the sum of five thousand dollars.
- Salary and bond of.**
- Prescribe duties.** SEC. 3. To prescribe in particular the duties of the Superintendent, Physician, and Secretary.
- General supervision.** 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.
- Hold meetings once a month.** SEC. 5. To hold stated meetings at the Home at least once in every month.
- Record proceedings.** SEC. 6. To keep at the Home a record of their proceedings, which shall be accessible to the public during the hours from nine A. M. to four P. M., excepting on legal holidays.
- Annual 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. 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.
- Verified by oath of President.**
- Superintendent of State Printing to print.**
- Purchase of material.** SEC. 8. The Board of Directors is empowered to purchase, from time to time, such material 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. All purchases shall be made as provided in section twenty of this article.
- Purchases, how made.**
- Fix market Price.** 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.
- Fix compensation.**
- Admission of applicants.** 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.
- Grade skilled and unskilled labor.** 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.

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.

Work let out.

Incur indebtedness.

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.

Provide dormitories.

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

No compensation.

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 Treasurer, or by the President of the Board of Directors; but no donations or bequests 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.

Manage and invest moneys, etc.

Proviso.

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.

Duties of President.

Delivery of moneys at close of month.

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."

Election or dismissal of officers.

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.

Committees.

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.

Contract for provisions, fuel, etc.

SEC. 20. The Board of Directors are authorized and required to contract for provisions, fuel, and all other supplies needed for any period of time not exceeding one year; and such contracts shall be limited to bona fide dealers in the several classes of articles contracted for. Such contract shall be given to the lowest responsible bidder, at a public letting thereof, if the price bid is fair and not greater than usual market prices. Each bid shall be accompanied by such security as the Board shall require. Notice of the time, place, and letting of each contract shall be given for at least two consecutive weeks in a daily paper published in the City of San Francisco, and in one newspaper published in the city or town where the Home is located. If all the bids at any letting are deemed by the Board unreasonably high, the Board may decline to contract, and may again advertise for proposals, and so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the Board may contract with any person whose contract is just and equitable, but no contract thus made shall extend beyond sixty days. No bid shall be accepted when such bid is higher than any other bid, made at the same letting, for the same class or schedule of articles. When two or more bids are equal in amount, the Board may divide the contract between the bidders.

Number of employés and compensation.

SEC. 21. The Board shall designate the number of employés, prescribe their duties, and fix their compensation. All employés shall be appointed by the Superintendent, subject to the approval of the Board.

ARTICLE IV.

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

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

Second—To certify to the Board of Directors the number of instructors and employés needed in the manufacturing departments, and to recommend to the Board the appointment of suitable persons for these positions.

Third—To dismiss any domestic, servant, or person employed at the Home—other than an instructor or an employé in the manufacturing department—whenever in his judgment the good of the Home demands it.

Fourth—To prescribe and enforce the duties of all instructors, employés, domestics, servants, and laborers employed at the Home.

Fifth—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.

Sixth—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.

Seventh—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.

Eighth—To reside at the Home.

Ninth—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.

Tenth—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.

Eleventh—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 monthly reports, 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

Duties of
Superin-
tendent.

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.

Twelfth—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; *provided*, that the Board may, by resolution spread upon its minutes, authorize the Superintendent, in case of emergency, to make purchase of material and supplies for the Home without such previous requisition. He must, in addition, perform such further services as may be required of him by the Board. The annual salary of the Superintendent shall be twenty-one 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.‡

ARTICLE V

Duties of
Physician.

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 Home. 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 once every day.

ARTICLE VI.

This Act shall take effect from and after its passage.

CHAPTER CXLIX.

An Act to provide for the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

[Approved March 17, 1887.]

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, to pay the deficiency in the appropriation for salary of the Guardian of Yosemite Valley, for the thirty-sixth fiscal year.

Appropriation. Deficiency in salary of Guardian.

SEC. 2. This Act shall take effect immediately.

CHAPTER CL.

An Act to add two new sections to the Political Code, to be known and numbered as sections three thousand two hundred and three thousand two hundred and one, relating to trademarks, the use and adoption of the same, and the person who and the manner by which said trademark and the rights thereunder may be protected.

[Approved March 17, 1887.]

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

SECTION 1. Two new sections are hereby added to the Political Code, to be known as sections three thousand two hundred and three thousand two hundred and one, to read as follows:

3200. Any trade union, labor association, or labor organization, organized and existing in this State, whether incorporated or not, may adopt and use a trademark and affix the same to any goods made, produced, or manufactured by the members of such trade union, labor association, or labor organization, or to the box, cask, case, or package containing such goods, and may record such trademark by filing or causing to be filed with the Secretary of State its claim to the same, and a copy or description of such trademark, with the affidavit of the President of such trade union, labor associa-

Trademark.

File claim and description with Secretary of State.

tion, or labor organization, certified to by any officer authorized to take acknowledgments of conveyances, setting forth that the trade union, labor association, or labor organization of which he is the President is the exclusive owner, or agent of the owner, of such trademark; and all the provisions of article three, chapter seven, title seven, part three, of the Political Code are hereby made applicable to such trademark.

President to
prosecute for
protection of
trademark.

3201. The President or other presiding officer of any trade union, labor association, or labor organization, organized and existing in this State, which shall have complied with the provisions of the preceding section, is hereby authorized and empowered to commence and prosecute in his own name any action or proceedings he may deem necessary for the protection of any trademark adopted or in use under the provisions of the preceding section, or for the protection or enforcement of any rights or powers which may accrue to such trade union, labor association, or labor organization by the use or adoption of said trademark.

CHAPTER CLI.

An Act to amend section three and to repeal section four of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved March 14, 1888,' 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, and 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, and two hundred and thirty-one," approved March 18, 1885, in relation to the

time when the provisions of said Act shall go into effect, as to all the counties named therein.

[Approved March 17, 1887.]

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

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

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

SEC. 2. Section four of said Act is hereby repealed.

Repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLII.

An Act to amend sections two thousand six hundred and eighty-two, two thousand six hundred and eighty-five, two thousand six hundred and eighty-nine, two thousand six hundred and ninety, and two thousand six hundred and ninety-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to roads and highways.

[Approved March 17, 1887.]

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

SECTION 1. Section two thousand six hundred and eighty-two of an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

2682. The petition must set forth the general route of the road to be abandoned, discontinued, altered, laid out, or constructed, and over whose land the same will run.

What petition must set forth.

SEC. 2. Section two thousand six hundred and eighty-five of the same Act is hereby amended so as to read as follows:

2685. The Road Viewers must be disinterested citizens of the county, but not petitioners. They must be sworn to discharge their duties faithfully, must view and lay out the proposed alterations or new road over the most practicable route, and in the performance of this duty they shall be required to make the proposed alterations or new road over the same lands mentioned in the petition, but shall not be confined to any particular route indicated therein. The Viewers must notify the resident owner or agent of the owner of the land over which it passes of the proposed route. A majority number of the Viewers, providing one shall be a surveyor, shall be competent to act in all matters pertaining to their duties mentioned in this chapter. The Board of Supervisors, in making the order appointing Viewers, may, in their discretion, direct said Viewers to first view the proposed road, and

Road Viewers. Duties of.

Board of Supervisors to appoint.

if, in the opinion of the Viewers, the road is impracticable, the said Viewers shall discontinue further proceedings in the matter, and report accordingly.

SEC. 3. Section two thousand six hundred and eighty-nine of the same Act is hereby amended so as to read as follows:

Road to be
declared
public high-
way

Payment of
damages.

Proviso.

2689. If the Board approve the report, and there are no non-consenting land owners, the road must by order be declared a public highway, and the same opened to the public. The Board, upon making each and every order establishing the location or alteration of any road or highway, shall order the amount of damages sustained by each and every person owning or claiming lands, or any improvements thereon or affected thereby, as finally fixed and assessed by them, to be set apart in the Treasury out of the proper fund, to be paid to the proper owner or claimant if known, and to be kept for proper claimant or owner if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements; *provided*, that any person interested in said road may place in the Treasury the whole or any part of the amount necessary to meet the demands made upon such fund by said orders of the Board. Any moneys so set apart as herein provided for, shall be returned to the person from whom or the fund from which it was taken or set apart, if not paid to or accepted by the proper owner or claimant. If the awards are all accepted, the road must be declared a public highway, and be opened as before provided.

SEC. 4. Section two thousand six hundred and ninety of the same Act is hereby amended so as to read as follows:

Limit of time
to accept
award of
damages.

Proceedings
to procure
right of way.

2690. If any award of damages is not accepted within ten days of the date of the award, it shall be deemed as rejected by the land owners. The Board must by order direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in title seven, part three, of the Code of Civil Procedure, against all non-accepting land owners, and when thereunder the right of way is procured the road must be declared a public highway, and opened as herein provided. In such suit no informality in the proceedings of the Board shall vitiate said suit, but the said order of the Board directing the District Attorney to bring suit shall be conclusive proof of the regularity thereof; and the said suit shall be determined by the Court or jury in accordance with the rights of the respective parties, as shown in Court, independent of said proceedings before said Board.

SEC. 5. Section two thousand six hundred and ninety-one of the same Act is hereby amended so as to read as follows:

Awards paid
out of road
fund.

Proviso.

2691. All awards by agreement, ascertainment by the Board or the proper Court, and all expenses of viewing, laying out, or altering any road, must be paid out of the road fund of the district, except that which may be paid by interested parties on the order of the Board of Supervisors. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between said districts; *provided, however*, that where money is paid out by any interested person, that the same may be

given to the credit of either fund, at the discretion of the Board.

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

CHAPTER CLIII.

An Act to add a new section to the Political Code, to be numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies under contract to all public institutions under the control of the State, or of any county, city and county, city, or town thereof.

[Approved March 17, 1887.]

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 numbered section three thousand two hundred and thirty-five, relating to the furnishing of supplies under contract to all public institutions under the control of the State, or of any county, city and county, city, or town thereof, as follows:

3235. No supplies of any kind or character, "for the benefit of the State, or to be paid for by any moneys appropriated or to be appropriated by the State," manufactured or grown in this State, which are in whole or in part the product of Mongolian labor, shall be purchased by the officials for the State having the control of any public institution under the control of the State, or of any county, city and county, city, or town thereof.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLIV.

An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-sixth fiscal year.

[Approved March 17, 1887.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLV.

An Act to provide for the deficiency in the appropriation for postage and expressage in the office of the Adjutant-General, for the thirty-fifth fiscal year.

[Approved March 17, 1887.]

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

Appropriation. Deficiency for postage, etc., for Adjutant-General.

SECTION 1. The sum of thirty-one dollars and forty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage and expressage in the office of the Adjutant-General, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLVI.

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

[Approved March 17, 1887.]

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

Appropriation. Deficiency for restoration of fish.

SECTION 1. The sum of nineteen dollars and sixty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the 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.

CHAPTER CLVII.

An Act to provide for the deficiency in the appropriation the traveling expenses of the Attorney-General and the Surveyor-General, in contests between the State and the United States, for the thirty-fifth fiscal year.

[Approved March 17, 1887.]

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

SECTION 1. The sum of one thousand and twenty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency

in the appropriation for the traveling expenses of the Attorney-General and the Surveyor-General, in contests between the State and the United States, for the thirty-fifth fiscal year.

Appropriation. Deficiency in traveling expenses of Attorney-General and Surveyor-General.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLVIII.

An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-seventh fiscal year.

[Approved March 17, 1887.]

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

SECTION 1. The sum of seven thousand seven hundred and forty-six dollars and fifteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners, for the thirty-seventh fiscal year.

Appropriation. Deficiency for transportation of prisoners.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLIX.

An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-sixth fiscal year.

[Approved March 17, 1887.]

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

SECTION 1. The sum of three thousand three hundred and forty-nine dollars and ninety-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners, for the thirty-sixth fiscal year.

Appropriation. Deficiency for transportation of prisoners.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLX.

An Act to provide for the deficiency in the appropriation for the transportation of prisoners, for the thirty-fifth fiscal year.

[Approved March 17, 1887.]

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

Appropriation. Deficiency for transportation of prisoners.

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

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXI.

An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-seventh fiscal year.

[Approved March 17, 1887.]

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

Appropriation. Deficiency in rewards for arrest of criminals.

SECTION 1. The sum of one thousand six hundred and sixty-five dollars and seventeen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-seventh fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXII.

An Act to provide for the deficiency in the appropriation for the payment of rewards for arresting criminals without the limits of the State, for the thirty-fifth fiscal year.

[Approved March 17, 1887.]

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

Appropriation. Deficiency in rewards for arrest of criminals.

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

appropriated, to pay the deficiency in the appropriation for the payment of rewards for arresting criminals without the limits of the State, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXIII.

An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-sixth fiscal year.

[Approved March 17, 1887.]

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

SECTION 1. The sum of seven hundred and forty-five dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of rewards for the arrest of criminals without the limits of the State, for the thirty-sixth fiscal year.

Appropriation. Deficiency in rewards for arrest of criminals.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXIV.

An Act appropriating the sum of twenty-eight thousand five hundred dollars, for the purpose of purchasing suitable property for the location of the Industrial Home of Mechanical Trades for the Adult Blind of California.

[Approved March 17, 1887.]

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

ARTICLE I.

SECTION 1. The sum of twenty-eight thousand five hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be placed to the credit of the fund to be known and designated as the Fund of the Industrial Home of the Adult Blind of the State of California.

Appropriation. Fund of the Industrial Home of the Adult Blind.

SEC. 2. The object of the sum of money hereinbefore mentioned is the purchase of suitable property for the permanent location of the Home for the Adult Blind. Whenever the Board of Directors of the Industrial Home for the Adult Blind shall have selected a suitable location for the Home, it shall purchase the property, paying therefor not to exceed the sum of twenty-eight thousand five hundred dollars; pro-

Objects.

Select location.

Proviso.

How ex-
pended.

vided, that no purchase of grounds, nor contract for buildings, 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.

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

CHAPTER CLXV.

An Act to appropriate money for the preservation and improvement of Yosemite Valley and the Mariposa Big Tree Grove.

[Approved March 17, 1887.]

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

Appropriation. Salaries of President and Secretary.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the President and Secretary of the Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, for the preservation and improvement of said valley and grove.

SEC. 2. This Act shall take effect on the first day of July, eighteen hundred and eighty-seven.

CHAPTER CLXVI.

An Act to provide for the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year.

[Approved March 17, 1887.]

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

Appropriation. Claim of Langhorn & Miller.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the costs and expenses of suits wherein the State is a party in interest, for the thirty-fifth fiscal year, to pay the claim of Langhorn and Miller.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXVII.

An Act to amend section eight of an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876, relating to the Resident and Assistant Physicians.

[Approved March 17, 1887.]

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

SECTION 1. Section eight of an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," is amended so as to read as follows:

Section 8. The Board of Trustees shall appoint a Resident Physician and three Assistant Physicians, each of whom shall hold office for four years, and until his successor is elected and qualified. The salary of the Resident Physician shall be three thousand five hundred dollars per annum, and of the Assistant Physicians, such sum as may be fixed by the Board of Trustees, not exceeding two thousand five hundred dollars each per annum; and each of them, and their families, shall be furnished room, household furniture, provisions, fuel, and lights, at and from the supplies of the asylum. The Resident and Assistant Physicians shall reside at the asylum; shall be well educated and experienced physicians, regular graduates in medicine, and shall have practiced at least five years from the date of their respective diplomas, and shall not engage in outside practice. Their duties, not specified in this Act, shall be fixed and prescribed in the by-laws of the Board of Trustees.

Resident and three Assistant Physicians. Term of office. Salaries, &c.

Reside at asylum.

Qualifications.

Duties.

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

CHAPTER CLXVIII.

An Act to pay the officers and men of the Second Brigade, National Guard of California, for guard duty performed by them in obedience to the orders of the Governor and Commander-in-Chief, from December nineteenth, eighteen hundred and eighty-six, to January thirty-first, eighteen hundred and eighty-seven, both days inclusive.

[Approved March 17, 1887.]

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

SECTION 1. The sum of thirty-eight hundred and seventy-six eighty-seven one hundredths dollars is hereby appropriated out of the General Fund of the State Treasury, to pay the officers and men of the Second Brigade of the National Guard

Appropriation. Second Brigade, N. G. C.

of California, for guard duty performed by them, as required by orders from the Governor and Commander-in-Chief, from the nineteenth day of December, eighteen hundred and eighty-six, to the thirty-first day of January, eighteen hundred and eighty-seven, both inclusive.

How to be
expended.

SEC. 2. The Controller is hereby directed to draw his warrant upon the State Treasurer in favor of William H. Dimond, Brigadier-General, commanding the Second Brigade of the National Guard, for the sum of thirty-eight hundred and seventy-six eighty-seven one hundredths dollars, and the Treasurer of State is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIX.

An Act to amend sections seventeen, twenty-five, sixty-six, 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 seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, two hundred and three, two hundred and eleven, and two hundred and eighteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, and to insert a new section therein, to be numbered one hundred and ten and one half, relating to the government of counties.

[Approved March 17, 1887.]

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

SECTION 1. Sections seventeen, twenty-five, sixty-six, 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 seventy-two, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-six, one hundred and eighty-seven, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, two hundred and three, two hundred and eleven, and two hundred and eighteen of said Act are hereby amended so as to read as follows:

Governor to
appoint to
fill vacancy.

Section 17. Whenever a vacancy occurs in the Board of Supervisors of a county, the Governor may fill the vacancy by appointment, and the appointee shall hold the office until the election and qualification of his successor, as hereinafter provided. Whenever a vacancy occurs in the Board of Su-

Supervisors of a county, the Board shall order a special election to be held in said district, on the fifth Tuesday after the vacancy occurs, for the election of a Supervisor for the unexpired term, unless a general election shall be held within ninety days after the vacancy occurs; and in such case the election of a Supervisor shall be held at the general election, to fill the vacancy for the unexpired term.

Special election; when held.

Section 25. The Boards of Supervisors in their respective counties have jurisdiction and power under such limitations and restrictions as are prescribed by law:

Jurisdiction.

1. To supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports, and present their books and accounts for inspection.

Supervise official conduct of county officers.

2. To divide the counties into townships, election, school, road, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Create townships and districts.

3. To establish, abolish, and change election precincts, and to appoint Inspectors and Judges of Election, canvass all election returns, declare the result, and order the County Clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed within thirty days prior to any election.

Establish and abolish election precincts.

4. To lay out, maintain, control, and manage public roads, turnpikes, ferries, and bridges within the county.

Manage public roads, etc.

5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect, officer, and maintain hospitals and poorhouses, in their discretion, therefor, or otherwise provide for the same; and for such purposes to levy the necessary property or poll tax, or both, therefor; *provided*, the Board of Supervisors shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals and poorhouses; and the Board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick, or otherwise dependent poor.

Care for indigent sick.

6. To provide a farm in connection with the county hospital or poorhouse, and make regulations for working the same.

Provide farm.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

Provide rooms.

8. To purchase, receive by donation, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage, and control the same; but no purchase of real property must be made unless a notice of the intention of the Board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the Board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the county, or if none be published in the county, then by posting such

Proviso.
Manage county property.

Publish notice.

notice at least three weeks prior to the time when the Board will meet to consummate such purchase, in at least three public places in each Supervisor District.

Erect or
rebuild
Court House.
Proviso.

9. To cause to be erected or rebuilt and furnished a Court House, jail, hospital, and such other public buildings as may be necessary; *provided*, that none of the aforesaid buildings shall be erected or constructed until the plans and specifications shall have been made therefor and adopted by the Board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice.

Sell county
property no
longer
required.

10. To sell at public auction, at the Court House door, after thirty days' previous notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county no longer required for public use, paying the proceeds in to the County Treasury for the use of the county.

Examine
accounts
every six
months.

11. To examine and audit, at least every six months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

Allow
accounts
against
county.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the County Treasurer therefor.

Levy tax.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district for the construction and repair of roads and highways, and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

Proviso.

Issue bonds.

14. The Board of Supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund and refund the same, and issue bonds of the county therefor, in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:

Denomina-
tions.

Rate of
interest.

Form of
bond.

No. —. The County of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said county, in —, on the first day of —, eighteen hundred and —, or at any time before that date, at the pleasure of the county, the sum of — dollars, gold coin of the United States, with interest at the rate of — per cent per annum, payable at the office of said Treasurer, semi-annually, on the first day of — and — in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Supervisors, in conformity with a resolution of said Board, dated the — day of —, eighteen hundred and —, and under

authority conferred on said Board by the provisions of an Act of the Legislature of California entitled "An Act to establish a uniform system of county governments," approved (insert date of the approval of this Act). Form of bond.

In testimony whereof, the said county, by its Board of Supervisors, has caused this bond to be signed by the Chairman of the Board, and attested by the Auditor, with the county seal attached, this — day of —, eighteen hundred and —.

—————
Chairman of the Board of Supervisors.

Attest: —————, Auditor.

And the interest coupon shall be in the following form:

The Treasurer of — County, California, will pay to the holder hereof, on the — day of —, — hundred and —, at his office, in —, — dollars, gold coin, for interest on County Bond No. —.

—————, County Auditor.

Deliver
bonds to
County
Treasurer.

(b.) Whenever bonds issued under this chapter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the County Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange them under the direction of the Board of Supervisors, on the best available terms, for any legal indebtedness of the county outstanding on the first day of January, eighteen hundred and eighty, but in neither case for a less sum than the face value of the bonds and all interest accrued on them at the date of such sale or exchange; and if any portion of such bonds are sold for money, the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the county at and before the date above named. When they are exchanged for bonds or warrants, or other legal evidences of county indebtedness, the Treasurer shall at once proceed to cancel the old bonds and such other evidences of indebtedness by indorsing on the face thereof the amount for which they were received, the word "canceled," and the date of cancellation. He shall also keep a record of bonds sold or exchanged by him by number, date of sale, amount, date of maturity, the name and Post Office address of purchasers, and, if exchanged, what evidence of indebtedness were received therefor; which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the Treasurer of such sale or transfer, giving at the same time the number of the bond transferred and his Post Office address, and every transfer shall be noted on the record. The Treasurer shall also report under oath to the Board at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and, when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him

Sell under
direction of
Board.

Record, how
kept.

Highest bidder.	on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of Supervisors of said county. No sale shall be made of any such bond except to the highest bidder after
Publication.	advertising bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, the right being reserved in such advertisement to reject any or all such bids.
Levy tax to pay interest.	(c.) The Board of Supervisors shall cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this Act, accruing before the next annual levy, and such proportions of the principal that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued; at the end of nine years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest; and the money arising from such levies shall be known as the
Bond Fund.	Bond Fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the Treasurer shall open and keep in his books a separate and special account thereof, which shall, at all times, show the exact condition of said Bond Fund.
Redemption of bonds, how made.	(d.) Whenever the amount in the hands of the Treasurer, belonging to the Bond Fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall notify, by mail, the owner of such bond or bonds, that he is prepared to pay the same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bond shall cease and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his Post Office address as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the Post Office address of the owner, as shown by the record kept in the Treasurer's office.
Notice.	
Interest ceases.	
Failure of Board to levy tax.	(e.) If the Board of Supervisors of the county which has issued bonds under the provisions of this Act shall fail to make the levy necessary to pay such bonds or interest coupons, at maturity, and the same shall have been presented to the County Treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the State Controller, taking his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session and at each annual equalization thereafter, add to the State tax to be levied in said county a sufficient rate to realize the amount of principal or interest past due and to become due
File with Controller.	
Board of Equalization to levy tax.	

prior to next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State Treasury, and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

15. To maintain, regulate, and govern public pounds; fix the limits within which animals shall not run at large, and appoint Poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Regulate public pounds.

16. To equalize assessments.

Equalize assessments.

17. To direct and control the prosecution and defense of all suits to which the county is a party, and to employ counsel to assist the District Attorney in conducting the same.

Direct prosecution of suits.

18. To insure the county buildings in the name of and for the benefit of the county.

Insure county buildings.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

Grant licenses.

20. To establish a salary fund, and also such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

Establish salary fund.

21. To fill by appointment all vacancies that may occur in any office filled by the appointment of the Board of Supervisors and elective county or township officers, except in those of Judge of the Superior Court and Supervisor. The appointee to hold office for the unexpired term.

Fill vacancies.

22. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county, for the particular benefit thereof, the Board may fix the boundaries of such district or portion, and levy a tax on the property therein, to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. Whenever a sanitary district has been formed, as is herein provided, it shall then be the duty of the Board of Supervisors, by ordinance, to appoint a "Board of Health," which shall consist of not less than three persons, and the members of the Board shall hold their offices for the term of two years, and shall serve without compensation. The Board of Health so appointed shall have a general supervision of all the matters appertaining to the sanitary condition of the district, and may make such rules and regulations in relation thereto as are not inconsistent with law. They shall have power, sub-

Protect health.

Levy tax. Rate of taxation.

How ascertained.

Board of Health.

Duties and powers of Board.

- ject to the approval of the Board of Supervisors, to construct and maintain sewers, and, in times of epidemics, to locate and establish pesthouses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in carrying out the provisions of this section must be provided for by the Board of Supervisors, who may make appropriation therefor out of the Sanitary District Fund, derived from taxes levied in said district, and to be known as the Sanitary District Fund.
- Expenses incurred. How paid.** 23. The Board of Supervisors shall annually fix the price at which the county shall be supplied with job printing, stationery, and blank books, and also the price of all county advertising, and each county officer shall procure such supplies and advertising at a price no greater than is so fixed, and certify the bills therefor to the Board of Supervisors; *provided*, that said supplies and advertisements shall be procured within the county when practicable; *and provided*, that a square of advertising shall be two hundred and forty ems nonpareil.
- Printing, stationery, etc.** 24. The Board shall cause to be published a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and after each session of the Board, a fair statement of all their proceedings.
- Proviso.** 25. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business as may be necessary.
- Publish semi-annual statement.** 26. To adopt a seal for their Board, a description and impression whereof must be filed in the office of the County Clerk and of the Secretary of State.
- Rules of Board.** 27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted and carried on in such county, 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.
- Seal** 28. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.
- License.** 29. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.
- Destruction of gophers, etc.** 30. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable for the benefit of the county.
- Dog tax.** 31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.
- Working of prisoners.** 32. To provide for the burying of the indigent dead.
- Inspection of merchandise.** 33. To make and enforce, within the limits of their county, all such local, police, sanitary, and other regulations, as are not in conflict with general laws.
- Bury indigent dead.** 34. To adopt such rules and regulations, within their re-
- Police and sanitary regulations.**

spective counties, with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require. Storing explosives.

35. To do and perform all other acts and things required by law not in this Act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government. Legislative authority.

36. To provide for the appointment of an Assistant District Attorney, if, in their judgment, it may be necessary for the proper discharge of the duties of the office of District Attorney, and to allow such Assistant District Attorney compensation for his services as they may determine, not to exceed the sum of fifteen hundred dollars per annum. Assistant District Attorney.

37. To appropriate from the General Fund of the county not to exceed the sum of one thousand (1,000) dollars in any one year, to aid in or carry on the work of inducing immigration thereto. Appropriation; Immigration

Section 66. The following officers must reside at the county seat of their respective counties: The County Clerk, Auditor, Recorder, Sheriff, and District Attorney. Residence of.

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: Compensation of officers in counties of second class.

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, three 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 per annum, and ten cents a mile in traveling to and from their residences to the county seat, or in the performance of duties required of them by law or by virtue of their office; *provided, that for attending sessions of the Board only two mileages shall be allowed for each month. Claims for mileage shall be allowed and paid as other claims against the county.*

Compensation of officers in counties of third class.

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:

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 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, 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, twelve hundred dollars each per annum.

Compensation of officers in counties of 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, and the fees for making and executing tax deeds.
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.

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:

Compensation of officers in counties of fifth class.

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 by law; *provided*, that no Justice of the Peace shall receive more than one thousand dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings in which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of the sum last named shall be allowed or paid, but all fees collected by such Justice on the account aforesaid in excess of one thousand dollars shall belong to and be the property of the county in which such Justice exercises his jurisdiction.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such Constable in excess of the sum last named shall be allowed or paid, but all fees collected by such Constable on the account aforesaid in excess of one thousand dollars shall belong to and be the property of the county in which such Constable acts.

15. Supervisors, five dollars per diem and mileage.

16. The County Clerk shall charge and collect the fees and charges which he is now authorized by law to charge and

collect, except that said Clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him or in his office, and shall charge and collect for all transcription, recording, and copying done by him or in his office for which the County Clerk is now authorized or empowered to collect fees or make charges, ten cents, and no more, per folio of one hundred words. All fees and charges received or collected by such County Clerk shall belong to and be the property of the county and paid into the Treasury thereof. The County Recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words, for all documents or papers or other matter recorded by him or in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof.

Compensation of officers in counties of sixth class.

Section 168. In counties of the sixth class, the county officers shall receive for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifty-five hundred dollars per annum.
2. The Sheriff, six thousand five 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, four thousand five hundred 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, 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 allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables shall receive, for their own use and benefit, the following fees, which shall be in full of all compensation for such service as is now or may be hereafter required of them by law: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For his trouble and expense in taking possession of and preserving property under attachment, or execution, or other process, as the Court shall order, provided no more than two dollars per diem shall be allowed to a keeper, three dollars. For taking a bond or undertaking in any case he is authorized to take the same, fifty cents. For copy of any writ or process, or other paper, when demanded or required by law, for each folio, fifty cents. For serving every notice, rule, or order, twenty-five cents. For advertising property for sale, under execution, or any judgment or order of sale, exclusive of the cost of publication, each, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, two dollars. For holding each inquest or trial of right of property, to include all service in the matter, except mileage, two dollars. For serving subpoenas, for each witness served, twenty-five cents. For traveling 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 an inquest or trial of the right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service; for each mile necessarily traveled, in going only, twenty cents. For commission for receiving and paying over money on execution or other process when lands or other personal property have been levied on or sold, on the first one hundred dollars, two per cent, and on all sums above that amount, one per cent. For executing a certificate of sale, fifty cents. The fees herein allowed shall be collected from the judgment debtor. For making every arrest in a criminal action, other than on a charge of felony, one dollar. For making every arrest on a charge of felony, one dollar and fifty cents. For summoning a jury of twelve or less persons, two dollars. For every mile necessarily traveled in executing any warrant of arrest, serving subpoenas, bringing up a prisoner on habeas corpus, taking

Compensation of officers in counties of sixth class.

a prisoner to jail by order of any Court; *provided*, that when any two or more persons are served at the same time, or in the same direction, but one mileage shall be charged to the most distant point; twenty-five cents per mile, in going only. For conveying a prisoner when under arrest, the necessary expense actually paid for transportation.

Compensation of officers in counties of 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, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of county officers are paid, such salary to be in full compensation for all services of every kind, nature, or description required of them by law in criminal cases. Each Justice of the Peace must keep a book open to the inspection of the public during office hours, in which must be entered at once, and in detail, the amount of all fines collected by him in criminal cases; and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person), into the County Treasury for the benefit of the county; *provided*, that said Justices of the Peace 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.
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 one thousand two 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 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:

Compensation of officers in counties of thirteenth class.

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 as 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; *provided*, that when the duties of the office of Treasurer and Tax Collector are consolidated, as provided in section fifty-seven of this Act, that the full compensation of said office of Treasurer and Tax Collector for such consolidated duties shall be two thousand five hundred dollars per annum; *provided further*, that the Superintendent of Schools, in addition to his regular salary, shall be allowed his necessary traveling expenses in visiting public schools, not exceeding the sum of three hundred dollars per annum, said amount to be allowed by the Board of Supervisors and paid as other county charges.

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:

Compensation of officers in counties of sixteenth class.

1. The County Clerk, two thousand dollars per annum.

2. The Sheriff, four thousand five hundred dollars per annum.

3. The Recorder, eighteen 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.

Compensation of officers in counties of sixteenth class.

7. The Assessor, three thousand 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, subpoena, 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; *and provided further*, that in serving a subpoena 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.

Compensation of officers in counties of 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, two thousand five hundred dollars per annum.

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:

Compensation of officers in counties of eighteenth class.

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, two thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, eight hundred dollars per annum.
7. The Assessor, two thousand five hundred 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, sixteen 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, 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:

Compensation of officers in counties of nineteenth class.

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; *provided*, said Assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the County Treasury upon an order of the Board of Supervisors; *provided*, that pay for such deputy shall not be allowed for more than one hundred and twenty-five days in any one year.
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.

Compensation of officers in counties of nineteenth class.

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 traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

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. The provision hereof respecting the deputy for the County Assessor and expenses of Superintendent of Schools, shall take effect immediately.

Compensation of officers in counties of 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, 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, five hundred dollars each per annum, and twenty cents per mile necessarily traveled in going only from their residence to the county seat; *provided*, that when the Board of Supervisors consolidate the duties of county offices, as provided by section fifty-seven of this Act, that said offices so consolidated shall receive as compensation for such consolidated duties, not to exceed the following:

1. Sheriff and Tax Collector, six thousand six hundred dollars per annum.

2. Auditor and Recorder, two thousand six hundred dollars per annum.

3. Clerk, Auditor, and Recorder, four thousand one hundred dollars per annum.

4. Clerk and Recorder, three thousand five hundred dollars per annum.

5. Clerk and Auditor, three thousand one hundred dollars per annum.

6. Treasurer and Tax Collector, two thousand one hundred dollars per annum.

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; *provided*, that when the offices of Recorder, County Clerk, and Auditor are consolidated, as provided in section fifty-seven of this Act, the aggregate salary of said consolidated offices shall be four thousand dollars per annum; *and provided further*, that the Treasurer shall receive fifteen hundred dollars per annum, payable monthly.

Compensation of officers in counties of twenty-fifth class.

Proviso.

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:

Compensation of officers in counties of twenty-eighth class.

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, seven hundred and fifty dollars per annum.

7. The Assessor, nineteen hundred dollars per annum; *provided*, said Assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the County Treasury, upon order of Board of Supervisors;

Compensation of officers in counties of twenty-eighth class.

provided, such deputy shall not be allowed pay for more than one hundred and twenty-five days in any one year.

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 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. The Supervisors may allow two hundred dollars additional for traveling expenses as a county charge to the Superintendent of Schools.

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 five dollars per day, and ten 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.

The provision hereof respecting the deputy for the County Assessor, and the additional allowance for traveling expenses for County Superintendent, shall take effect immediately.

Compensation of officers in counties of 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; *provided*, that such Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, the issuance of all writs, and approval of all bonds to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents. For entry of judgment by default, two dollars and fifty cents. For the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed ten folios, two dollars and fifty cents; for recording each folio in excess of ten folios, ten cents. For filing and entering papers on transfer of cases from other Courts, including indexing, as provided by this Act, two dollars and fifty cents. For transmission of files, on transfer of causes to other Courts, two dollars. For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents. For issuing commissions to take testimony, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, one

dollar. For taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, ten cents a folio. For searching files of each year, except for suitors or their attorneys, one dollar. For services performed in cases appealed from Justice's Court before trial, two dollars. For filing transcript of judgment of Justice's Court, for docketing cause, and issuing execution thereon, two dollars. For satisfying judgment, when entry is made on margin of judgment book by attorney, or judgment creditor, or upon return of Sheriff, twenty-five cents. For copies of papers, records, or files of his office, ten cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, two dollars. For exemplifying copy of articles of incorporation, under the Act of Congress, two dollars. For filing certificate of election of officers of incorporations, twenty-five cents. For recording certificate of incorporation, ten cents per folio. For filing and indexing certificate of copartnership, fifty cents. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, ten cents per folio. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents, and when prepared or furnished by attorney, or party, fifty cents. For comparing copies of papers or transcripts, five cents per folio. For filing the papers and issuing letters testamentary or of administration, guardianship, or special administration in any case, two dollars. For services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars; and one dollar for each additional one thousand dollars in value, as shown by the inventory. For administering and certifying oaths in all estates, except oaths administered in open Court, twenty-five cents. For recording any order or paper in an estate, where the number of folios exceeds ten, for each folio exceeding ten, ten cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the Clerk, upon the filing of such inventory, except such as accrue after the filing of such inventory.

2. The Sheriff, six thousand dollars per annum; *provided*, that the Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar. For serving an attachment on property or levying an execution or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents. For the trouble and expense of taking and keeping possession of, and preserving property under attachment, or execution or other process, as the Court shall order; *provided*, that no more than three dollars per diem shall be allowed to a keeper, three dollars. For taking bond or undertaking in any case, in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded or required by

Compensation of officers in counties of twenty-ninth class.

Compensation of officers in counties of twenty-ninth class.

law, for each folio, ten cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale, on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars. For serving a subpoena, for each witness subpoenaed, thirty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, 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 on trial of right of property; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled in going only to the point of service, twenty cents. For commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. For fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

3. The Recorder, fifteen hundred dollars per annum; *provided*, that the Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instruments, paper, or notice, for each folio, ten cents. For copies of any record or paper, per folio, ten cents. For filing or receiving every instrument for record and making the necessary entries thereon, fifteen cents. For marking, in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents. For any certificate under seal, twenty-five cents. For every entry of discharge of mortgage or other instrument on margin of record, twenty-five cents. For searching records and files of each year, in his office, twenty-five cents. For abstract of certificate of title, when required, for each conveyance or incumbrance certified, twenty-five cents. For recording any town plat, for each course, ten cents; for figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking and writing acknowledgments, including seal, for

the first signature, one dollar; for each additional name, fifty cents. For filing, indexing, and keeping each paper, not by law required to be recorded, twenty cents. For recording each mark or brand, fifty cents. For administering and certifying on oath or affirmation, twenty-five cents. For all other services not herein enumerated, the same fees as are now or hereinafter may be allowed by law.

Compensation of officers in counties of twenty-ninth class.

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 session of the Board shall be allowed.

Section 192. In counties of the thirtieth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries and fees hereinafter respectively mentioned, and shall be allowed for the performance of services required of them by law, as herein provided; and such officers may lawfully charge, demand, and receive, and must pay the amount received by them into the State Treasury, or Treasury of the county, to which such fees may be due by law, except where the officer is by law entitled to receive the fees collected for his own use and benefit, the amounts hereinafter respectively specified. All fees shall be payable only in gold and silver coin of the United States.

Compensation of officers in counties of thirtieth class.

1. The County Clerk shall receive as compensation, twenty-five hundred dollars per annum.

FEEES OF COUNTY CLERK.

At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant, two dollars, to cover costs for the same time. If, in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to de-

Compensation of officers in counties of thirtieth class.

mand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the termination of the action, shall be returned by the Clerk to the party who advanced them, on demand. The Clerk of the Superior Court shall receive for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents. For issuing every writ of process, under seal, fifty cents, except the writ of habeas corpus. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, fifteen cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents. For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents. For calling and swearing every jury on *voire dire*, twenty-five cents. For calling and swearing every jury to try cause, twenty-five cents. For receiving and entering each verdict of a jury, twenty-five cents. For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For making up and filing judgment roll, twenty-five cents. For each entry of judgment on judgment docket, twenty cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering every oath or affirmation, twenty cents. For certifying the same, twenty cents. For copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, twenty-five cents. For issuing every commission to take testimony, fifty cents. For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents. For issuing every execution, or other final process, under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents. For receiving and filing every remittitur from Supreme Court accompanying papers, fifty cents. For taking and approving each undertaking or bond, twenty-five cents. For taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking or bond, for each folio, fifteen cents. For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents. For indexing every suit in the general index of the Court, as required by law, for each name, ten cents. For filing and entering papers on transfer of cases from other Courts, two dollars. For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justices' Courts, for each case, one dollar. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, twenty-five cents. For recording papers required by law to

be recorded, for each folio, fifteen cents; for indexing same, twenty cents. For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording the testimony, and commitment upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents. For filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents. For issuing any license required by law, one dollar. For all services in estates of deceased persons fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisal thereof: Estates of the value of five hundred dollars or less, two dollars; estates of five hundred dollars and not exceeding five thousand dollars, ten dollars; estates of five thousand dollars and not exceeding twenty thousand dollars, twenty-five dollars; estates of over twenty thousand dollars, fifty dollars. The two last named classes of estates shall be charged ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk shall charge and collect for each action or proceeding commenced in the Superior Court of said county, a fee of one dollar in addition to the fees above mentioned, which sum shall be deposited in the Treasury of the county, as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the Judge of Superior Court of such county, for said purpose. No fees shall be charged for affidavits or certificates for or in behalf of United States pension applicants.

Compensation of officers in counties of third class.

2. The Sheriff shall receive as compensation, four thousand dollars per annum, and his mileage, at the rate of twenty-five cents per mile for each mile necessarily traveled, in going only.

FEEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars. For his trouble and expense in taking and keeping possession of and preserving property under attachment, or execution, or other process, such sum as the Court may order; *provided*, that no more than three dollars per diem shall be allowed to a keeper. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication,

Compensation of officers in counties of thirtieth class.

each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, two dollars. For holding each inquest, or trial of right of property, to include all services in the matter, except mileage, two dollars. For serving a subpoena, for each witness summoned, twenty-five cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property; *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 point to complete such service, for each mile necessarily traveled, in going only, twenty-five cents. For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent. For commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, cost of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents. For executing a certificate of sale, exclusive of the filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, three dollars. For all services in Justices' Courts, the same fees as are allowed Constables for like services. For conveying a prisoner, when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for the conveyance of prisoners to the State's Prison and conveyance of persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

3. The Recorder shall receive as compensation, fifteen hundred dollars per annum.

FEEES OF RECORDER.

For recording every instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, per folio, fifteen cents. For filing every instrument for record, and making the necessary entries thereon, fifteen cents. For each certificate under seal, twenty-five cents.

For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents. For searching records or files in his office for each year, when required, fifty cents. For abstract of title, for each conveyance or incumbrance certified, twenty-five cents. For recording every plot or map, for each course, five cents. For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars. For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording transcript, and for all other services in estray cases, one dollar. For recording each mark or brand, fifty cents. For administering oath or affirmation, twenty-five cents. For certifying same, twenty-five cents. For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents. For recording mining claims and water rights, the same as are allowed for recording any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

Compensation of officers in counties of thirtieth class.

4. The Auditor shall receive as compensation, one thousand dollars per annum.

5. The Treasurer shall receive as compensation, twelve hundred dollars per annum.

6. The Tax Collector shall receive as compensation, fifteen hundred dollars per annum.

7. The Assessor shall receive as compensation, 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 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.

8. The District Attorney shall receive as compensation, fifteen hundred dollars per annum, and traveling expenses, incurred by virtue of his office, to be fixed and allowed by the Board of Supervisors.

9. The Coroner shall receive as compensation the following sums, viz.: For general services in holding an inquest, ten dollars. For each witness subpoenaed, twenty-five cents. For each mile necessarily traveled in going to the place of the inquest, twenty-five cents. For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the Sheriff, the same fees as are allowed the Sheriff for like services.

10. The Public Administrator shall be allowed and receive such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools shall receive as compensation, six hundred dollars per annum, and his necessary

Compensation of officers in counties of thirtieth class.

traveling expenses, incurred officially, to be fixed and allowed by the Board of Supervisors.

12. The Surveyor shall be allowed and receive such fees as are now or hereafter may be allowed by law.

13. The Justices of the Peace shall receive as compensation, the sums respectively mentioned hereafter, viz.: For entering every case upon his docket, fifty cents. For filing each paper in the suit, twenty-five cents. For issuing any writ or process by which the suit is commenced, fifty cents. For issuing each subpoena, for one or more persons, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment, or arrest, or for the delivery of property, fifty cents. For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents; for issuing an execution, fifty cents; for taking depositions, per folio, fifteen cents. For issuing search warrant, fifty cents. For affidavit for search warrant, including entry on his docket, when there is no other or further action, fifty cents. For entry of cause without process, one dollar. For entering every motion, rule, order, exception, or default, twenty-five cents. For entering any final judgment, for the first folio, fifty cents, for every additional folio, fifteen cents. For entering judgment by confession, and only on affidavit, as required in the Superior Court, two dollars; *provided, however*, that it shall be the duty of Justices of the Peace to pay into the County Treasury all sums of money by them received in all criminal cases for fines or other purposes. For entering satisfaction of a judgment, fifty cents. For issuing commission to take testimony, fifty cents. For transcript of a judgment, order, docket, or paper in his office, for each folio, fifteen cents. For making up and transmitting transcript and papers on appeal, one dollar and fifty cents. For taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents. For celebrating a marriage and returning certificate thereof to the County Recorder, five dollars. For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, two dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the County Clerk of the papers in the case), for each folio, fifteen cents; *provided*, no additional compensation shall be allowed for taking bail. For all services connected with the posting of estrays, including transcript to the Recorder, two dollars. For all services appertaining to the Coroner's office, the Justice of the Peace, who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services. When the venue shall be changed in a civil case, the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the Justice shall be re-

quired to transmit the papers; and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the Justices. In cases of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

Compensation of officers in counties of thirty-sixth class.

14. The Constables shall receive as compensation the fees hereinafter respectively designated, viz.: *First*—For serving summons in civil cases, fifty cents. *Second*—For summoning any jury before a Justice of the Peace, including mileage, two dollars. *Third*—For making sales of estrays, the same fees as for sales on execution. *Fourth*—For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however*, that mileage shall be allowed but one way for all services performed by Constables. *Fifth*—For all other services, including mileage, the same fees as are allowed the Sheriff for similar services.

15. The Supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

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:

Compensation of officers in counties of thirty-first class.

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, two 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, three hundred dollars per annum.
10. The Public Administrator, five hundred 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 may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constables' mileage shall not exceed twenty-five cents per mile, counting one way only.
15. Supervisors, five dollars per day, but not to exceed five hundred dollars each per annum, and twenty-five cents per

Compensation of officers in counties of thirty-first class.

mile in going from their residence to the county seat at each meeting of the Board.

16. The Treasurer, Tax Collector, and Auditor, may each, with the consent of the Board of Supervisors, appoint a deputy for such time as said Board shall deem necessary, who shall each receive from the county a salary, to be fixed by said Board, not exceeding one hundred dollars per month during the term for which he is appointed.

17. Whenever, in the opinion of the Board of Supervisors, the duties of the County Clerk, County Recorder, County Assessor, or the Tax Collector, are too great to be performed by such officer with the assistance of one deputy, said Board may designate what number of extra deputies may be appointed by such officer, and fix the salary of each of such extra deputies at a sum not exceeding one hundred dollars per month, to be paid by the county; *provided*, that for such extra deputies of either of said officers, said Board may, and for such extra deputies of the County Assessor, said Board must limit the term for which such extra deputies may be appointed to such length of time as said Board shall deem reasonably necessary.

18. Each county and township officer shall be responsible on his official bond for the official act of each of the deputies, and each of the extra deputies by him appointed, and may, at his own pleasure, revoke the appointment of any of said deputies.

Compensation of officers in counties of 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, twelve 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 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 res-

idence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

Section 211. 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, either as officers or ex officio officers, their deputies and assistants, unless in this Act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this Act otherwise 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 Prisons, and insane persons to and from the Insane Asylums, 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 third, fourth, fifth, twelfth, thirteenth, fifteenth, twentieth, twenty-second, twenty-third, twenty-fourth, twenty-sixth, twenty-ninth, thirty-second, thirty-third, thirty-fourth, thirty-sixth, thirty-seventh, thirty-eighth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, 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; *provided*, that an affidavit shall be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. In any county in this State where the number of Judges of the Superior Court shall have been increased since the first day of January, eighteen hundred and eighty-seven, or shall hereafter be increased, the Board of Supervisors of such county shall allow the Sheriff thereof one additional deputy for each additional Judge elected or appointed, because of such increase in the number of Judges; and said Board shall also allow the Clerk of such county one deputy for each additional Judge appointed, because of such increase in the number of Judges. In counties where two additional Judges shall have been or may be appointed under any law increasing the number of

Fees in full compensation for all services.

Proviso. Assessor.

Proviso. Sheriff.

Proviso.

Judges, passed since January first, eighteen hundred and eighty-seven, the Clerk shall also be allowed an additional Deputy Clerk, to act as Register Clerk. The compensation to be paid all Deputy Clerks appointed hereunder shall be one hundred and twenty-five dollars per month, and such compensation shall be paid monthly, in the same manner that other county officers are paid. The compensation to be paid Deputy Sheriffs appointed hereunder shall be five (5) dollars for each day's actual attendance upon the Superior Court, which compensation shall be paid by the county, monthly, in the same manner that other county officers are paid. Whenever the salary or compensation of any officer is increased or diminished by the terms of this Act, the provisions hereof so increasing or diminishing such salary or compensation shall not apply to or affect present incumbents, unless where otherwise in this Act expressly stated.

Fees of officers to be prepaid.

Proviso.

Proviso.

Failure to perform official duties.

Section 218. The officers mentioned in this Act are not in any case, except for the State or county, to perform any official services, unless upon the prepayment of the fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required; *provided*, that the Sheriff, in the case of the service of a writ of attachment or any other process in which an expense for keeping and preserving personal property may be incurred, may demand a deposit of three dollars per day to cover keeper's fees, for each day property may be held under attachment or other process, and also whatever other sum may be required for the preservation of the property, such deposit to be held by the Sheriff until the expenses of the keeping and preserving of the property shall be fixed by the Court; any surplus of such deposit, over and above the amount fixed by the Court, to be returned to the party by whom deposited; *provided, also*, that the Sheriff may demand such deposit for the period of at least five days in advance. In case of the refusal or neglect of the party for whom the service is performed, to pay such fees and expenses, after one day's written notice served on such party or his attorney, the Sheriff may release the property held for such party, and may have execution in his own name for whatever fees and expenses, as fixed by the Court, may be due from such party, to be issued from the Court in which the action is pending. For every failure or refusal to perform official duty when the fees and expenses are tendered, the officer is liable on his official bond.

SEC. 2. A new section is hereby added to said Act, to be numbered one hundred and ten and a half, to read as follows:

Duties of Tax Collector.

Section 110½. It shall be the duty of the Tax Collector, except where it is by law otherwise expressly directed, to collect all taxes and licenses levied by law, or imposed by ordinance of the Board of Supervisors, in the manner and subject to the terms of the law or ordinance providing for the same.

CHAPTER CLXX.

An Act making appropriations for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years.

[Approved March 18, 1887.]

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

SECTION 1. The following sums of money are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the government of the State of California, for the thirty-ninth and fortieth fiscal years:

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

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

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;

For contingent expenses of Senate, twelve thousand dollars;
For contingent expenses of Assembly, eighteen thousand dollars;

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

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

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 Phonographic Reporter of the Supreme Court, six thousand dollars;

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

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

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

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

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

For salaries of Supreme Court Commissioners, thirty-six thousand dollars; Supreme Court Commissioners.

For salary of Secretary to Supreme Court Commissioners, four thousand eight hundred dollars;

For rent of chambers for the Supreme Court Commissioners and the Secretary, three thousand dollars;

For contingent expenses in office of Secretary to Supreme Court Commissioners, one hundred dollars;

Governor.

For salary of Governor, twelve thousand dollars;

For salary of Governor's Private Secretary, seven thousand two hundred dollars;

For postage and expressage in office of State Board of Examiners, two hundred dollars;

For salary of Executive Secretary, four thousand dollars;

For salary of Secretary to Board of Examiners, three thousand six hundred dollars;

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

For special contingent expenses of Governor's office (secret service), five thousand dollars;

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

Secretary of State.

For salary of Secretary of State, six thousand dollars;

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

For salary of Bookkeeper in office of 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, one thousand dollars, to be expended during the fortieth 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, fifteen hundred dollars, exempt from the provisions of section four of this Act;

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

Controller.

For salary of Controller, six thousand dollars;

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 salaries of additional clerks in Controller's office, six thousand four 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 traveling and contingent expenses in Controller's office, one thousand five hundred dollars;

Treasurer.

For salary of Treasurer, six thousand dollars;

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

For salary of Attorney-General, six thousand dollars;

Attorney
General.

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

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

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

For traveling expenses of Attorney-General, two thousand dollars;

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

For salary of Surveyor-General, six thousand dollars;

Surveyor-
General.

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

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

For pay of Porter in office of Surveyor-General, 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, two thousand dollars;

For traveling expenses of Surveyor-General and Attorney-General, when engaged in contests between the State and the United States, in relation to public lands, one thousand dollars;

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

Superintendent
of Public
Instruction.

For salary of Deputy Superintendent of Public Instruction, four thousand eight hundred dollars;

For salary of clerk in office of Superintendent of Public Instruction, three thousand two hundred dollars;

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

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

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

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

For salary of State Librarian, six thousand dollars;

State
Librarian.

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

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

For postage, expressage, and contingent expenses of the State Library, four 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 office of Adjutant-General, six hundred dollars;

For postage and expressage in office of Adjutant-General, four hundred dollars;

For care of State Armory, cleaning and transportation of arms, and traveling and contingent expenses of Adjutant-General, one thousand five hundred dollars;

For payment of Armory rents and other expenses of National Guard, one hundred and forty thousand dollars;

For target practice, National Guard, thirty-five hundred dollars;

For carriages for Gatling battery, five hundred dollars;

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

For purchase of uniforms and equipments for the National Guard, fifty-six thousand dollars, exempt from the provisions of section four of this Act;

State
Engineer.

For salary of State Engineer, six thousand dollars, exempt from the provisions of section four of this Act; *and provided further*, that such appropriation shall be in full for the completion of all work now in the hands of said Engineer;

For salary of Secretary of State Engineer, twenty-four hundred dollars, exempt from the provisions of section four of this Act;

For the maintenance of the State Engineer's Department, including pay of assistants, draughtsmen, Porter, office expenses, etc., for the thirty-ninth fiscal year, thirty-six hundred dollars.

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 State Printing, and the Controller, seven thousand five hundred dollars, exempt from the provisions of section four of this Act;

Superintendent of State
Printing.

For salary of Superintendent of State Printing Office, six thousand dollars;

State Print-
ing Office.

For support of 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;

For pay of employes in school text-book department, one hundred and four thousand dollars, and not subject to the provisions of section four of this Act;

For stock and materials in school text-book department, thirty-six thousand dollars, and not subject to the provisions of section four of this Act;

For compilation of school text-books under the provisions of section seven, Article IX, of the Constitution, fifteen thousand dollars, and exempt from the provisions of section four of this Act;

Secretary of
State Board
of Health.

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

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

For salary of Insurance Commissioner, six thousand dollars;

Insurance Commissioner.

For salary of Deputy Insurance Commissioner, three thousand six hundred dollars;

For rent, printing, and contingent expenses in office of Insurance Commissioner, four 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 Bailiff of the Board of Railroad Commissioners, two thousand four hundred dollars;

For traveling expenses of Board of Railroad Commissioners, and persons in their employ, when traveling in the performance of official duty, five hundred dollars;

For office rent of Board of Railroad Commissioners, eighteen hundred dollars;

For fuel, lights, postage, expressage, subscriptions to publications on the subject of transportation, and other incidental expenses, one thousand dollars;

For salaries of members of State Board of Equalization, twenty-four thousand dollars;

State Board of Equalization.

For salary of Clerk of State Board of Equalization, four thousand eight hundred dollars;

For pay of Porter in office of State Board of Equalization, four hundred dollars;

For postage, expressage, telegraphing, and contingent expenses of State Board of Equalization, two thousand dollars;

For the use of the Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, for water supply of hotel erected under Act of March tenth, eighteen hundred and eighty-five, five thousand dollars, exempt from the provisions of section four of this Act;

Yosemite Valley and Mariposa Big Tree Grove.

For office rent, fuel, postage, and contingent expenses of Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, six hundred dollars;

For cost of fitting up office of Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, two hundred dollars, exempt from provisions of section four of this Act;

For salary of Secretary of Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, two thousand dollars;

For salary of the Guardian of the Yosemite Valley and the Mariposa Big Tree Grove, three thousand dollars;

For traveling expenses of Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, three thousand dollars;

For pay of employes of State Capitol building and grounds, thirty-seven thousand eight hundred dollars;

Employes of State Capitol grounds.

For traveling expenses of State Board of Education, seven hundred dollars;

Board of Education.

- Deaf, Dumb, and Blind Asylum. For the support of the Asylum for the Deaf, Dumb, and Blind, at Berkeley, ninety-one thousand five hundred dollars;
For increased facilities for articulation department of Asylum for the Deaf, Dumb, and the Blind, at Berkeley, four thousand dollars;
For increased facilities in the industrial department of the Asylum for the Deaf, Dumb, and the Blind, at Berkeley, two thousand dollars;
- Insane Asylum at Napa. For the support of the Insane Asylum at Napa, three hundred and eighty thousand dollars;
- Insane Asylum at Stockton. For the support of the Insane Asylum at Stockton, four hundred thousand dollars;
For extension of boiler house, new boilers, extension of heating, plumbing, painting, laundry machinery, and general repairs in the female department of the Insane Asylum at Stockton, twelve thousand five hundred dollars;
Extension of boiler house, new boilers, extension of heating, and general repairs in the male department of the Insane Asylum at Stockton, seven thousand five hundred dollars;
- Chronic Insane. For the support of the California Hospital for the Chronic Insane at Agnews, one hundred and thirty-four thousand dollars;
For furnishing the buildings of California Hospital for the Chronic Insane at Agnews, and now in readiness for the same, sixteen thousand dollars, exempt from the provisions of section four of this Act;
For the purchase of cows and other live stock for use of California Hospital for the Chronic Insane at Agnews, one thousand five hundred dollars, exempt from the provisions of section four of this Act;
For the improvement of the grounds of California Hospital for the Chronic Insane at Agnews, five thousand dollars;
For transportation of the insane to the Asylums, sixty thousand dollars;
- State Prison at San Quentin. For the support of the State Prison at San Quentin, four hundred and two thousand dollars;
- State Prison at Folsom. For the support of the State Prison at Folsom, two hundred and fifty thousand dollars;
- Transportation of prisoners. For transportation of prisoners to the State Prisons, fifty-five thousand dollars;
- State Normal School at San José. For support of the State Normal School at San José, seventy-eight thousand dollars;
For uses of the library at State Normal School at San José, two thousand dollars;
- State Normal School at Los Angeles. For support of Branch State Normal School at Los Angeles, thirty-six thousand dollars;
For uses of library and museum at Branch State Normal School at Los Angeles, two thousand dollars;
For care of grounds at Branch State Normal School at Los Angeles, fifteen hundred dollars;
- Commissioner of Labor Statistics. For salary of Commissioner of Bureau of Labor Statistics, four thousand eight hundred dollars;
For salary of Deputy Commissioner of Bureau of Labor Statistics, three thousand dollars;

For stationery and contingent expenses in office of Bureau of Labor Statistics, one thousand dollars;

For office rent of Bureau of Labor Statistics, one thousand two hundred dollars;

For uses of the State Board of Viticulture, thirty thousand dollars; State Board of Viticulture.

For uses of the State Board of Horticulture, twenty thousand dollars; State Board of Horticulture.

For care of State Burial Ground, two hundred dollars; State burial grounds.

For payment of rewards offered by the Governor, five thousand dollars; Rewards.

For payment of rewards for arrest and conviction of highway robbers, five thousand dollars;

For arresting criminals without the limits of the State, six thousand dollars;

For water for irrigation, purchase of hose, and implements to be used on State Capitol grounds, three thousand dollars; Water for Capitol grounds.

For water to be used in the State Capitol building, twelve hundred dollars; Water for Capitol building.

For repairs of State Capitol building and furniture, and purchase of carpets, fifteen thousand dollars; Repairs to Capitol.

For stationery, fuel, and lights for Legislature and State officers, fifteen thousand dollars; Fuel, lights, etc.

For purchase of ballot paper, and not to be used till the paper is needed to supply demands, four thousand dollars, exempt from the provisions of section four of this Act; Ballot paper.

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 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; Hastings College of Law.

For payment of rent of rooms for the use of the Hastings College of Law during the thirty-ninth and fortieth fiscal years, two thousand four hundred dollars;

For the restoration and preservation of fish in the waters of the State, and stocking such waters with new varieties, fifteen thousand dollars, of which not less than fifty per cent shall be expended in the support and maintenance of the State hatcheries; Preservation of fish.

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

For aid of District Agricultural Society Number One, five thousand dollars; Districts.

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

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

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

For aid of District Agricultural Society Number Five, three thousand six hundred dollars;

For aid of District Agricultural Society Number Six, five thousand dollars;

- Districts. For aid of District Agricultural Society Number Seven, three thousand dollars;
 For aid of District Agricultural Society Number Eight, two thousand four hundred dollars;
 For aid of District Agricultural Society Number Nine, two thousand dollars;
 For aid of District Agricultural Society Number Ten, two thousand dollars;
 For aid of District Agricultural Society Number Eleven, three thousand dollars;
 For aid of District Agricultural Society Number Twelve, three thousand dollars;
 For aid of District Agricultural Society Number Thirteen, four thousand dollars;
 For aid of District Agricultural Society Number Fourteen, one thousand five hundred dollars;
 For aid of District Agricultural Society Number Fifteen, two thousand dollars;
 For aid of District Agricultural Society Number Sixteen, one thousand five hundred dollars;
 For aid of District Agricultural Society Number Seventeen, four thousand dollars;
 For aid of District Agricultural Society Number Eighteen, four thousand dollars;
 For aid of District Agricultural Society Number Nineteen, three thousand dollars;
 For aid of District Agricultural Society Number Twenty-one, two thousand five hundred dollars;
 And for aid of District Agricultural Society Number Twenty-five, two thousand five hundred dollars;
 For aid of District Agricultural Society Number Twenty-six, two thousand four hundred dollars;
- State series of school text-books. For State Printing Office, to be used in the publication of fifty thousand copies, each, Elementary Arithmetic, Elementary Grammar, and Elementary Physiology, twenty-five thousand dollars, exempt from the provisions of section four of this Act;
- Painting State buildings. For painting the State Capitol building, the Exhibition building of the State Agricultural Society, and the State Printing building, fifteen thousand dollars, exempt from the provisions of section four of this Act;
- Feeble-minded children. For the support of the California Home for the Care and Training of Feeble-Minded Children, sixty-three thousand one hundred dollars;
- Silk culture. For the support of the State Board of Silk Culture, five thousand dollars.
- Appropriations. How used. 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 employes, 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.

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 purchase; *provided*, that no officer shall use or appropriate any money, for any purpose whatsoever, appropriated by this Act, unless authorized thereto by law.

Officials to submit statements.

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

Expenditures in excess prohibited.

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, and any indebtedness attempted to be created against the State, in violation of the provisions of this section, shall be absolutely null and void.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 18, 1887. }

Statement of items of appropriation objected to, and not approved, contained in Assembly Bill No. 459—entitled "An Act making appropriations for the support of the Government of the State of California, for the thirty-ninth and fortieth fiscal years"—and the reasons therefor.

The several items herein enumerated, contained in Assembly Bill No. 459—entitled "An Act making appropriations for the support of the Government of the State of California, for the thirty-ninth and fortieth fiscal years"—are objected to, and not approved, for reasons hereinafter stated.

First item: "For pay of employes in school text-book department, one hundred and four thousand dollars, and not subject to the provisions of section four of this Act."

This item is objected to, and not approved, for the reason that the amount thereby appropriated is provided for the same purpose by Assembly Bill No. 503—entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor"—which bill was approved on the fifteenth day of March, 1887.

Second item: "For stock and materials in school text-book department, thirty-six thousand dollars, and not subject to the provisions of section four of this Act."

This item is objected to, and not approved, for the reason that the amount thereby appropriated is provided for the same purpose by Assembly Bill No. 503—entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of

school text-books, and appropriating money therefor"—which bill was approved on the fifteenth day of March, 1887.

Third item: "For compilation of school text-books, under the provisions of section seven, Article IX, of the Constitution, fifteen thousand dollars, and exempt from the provisions of section four of this Act."

This item is objected to, and not approved, for the reason that the amount thereby appropriated is provided for the same purpose by Assembly Bill No. 503—entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor"—which bill was approved on the fifteenth day of March, 1887.

Fourth item: "For office rent, fuel, postage, and contingent expenses of Board of Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, six hundred dollars."

This item is objected to, and not approved, for the reason that ample provision for the proper expenses of the said Board of Commissioners is made in other portions of this General Appropriation Bill, and in Senate Bill No. 312—entitled "An Act to appropriate money for the preservation and improvement of the Yosemite Valley and the Mariposa Big Tree Grove"—which latter bill was approved on the seventeenth day of March, 1887.

Fifth item: "For cost of fitting up office of Board of Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, two hundred dollars, exempt from the provisions of section four of this Act."

This item is objected to, and not approved, for the reason that no necessity appears therefor, and that ample provision for all necessary expenses of said Board of Commissioners is made by Senate Bill No. 312—entitled "An Act to appropriate money for the preservation and improvement of the Yosemite Valley and Mariposa Big Tree Grove"—which bill was approved on the seventeenth day of March, 1887.

Sixth item: "For salary of Secretary of Board of Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove, two thousand dollars."

This item is objected to, and not approved, for the reason that it is unnecessary and excessive, and that ample provision for all proper expenses of said Board of Commissioners is made in this General Appropriation Bill, and by Senate Bill No. 312—entitled "An Act to appropriate money for the preservation and improvement of the Yosemite Valley and Mariposa Big Tree Grove"—which latter bill was approved on the seventeenth day of March, 1887.

Seventh item: "For increased facilities for articulation department of Asylum for the Deaf, Dumb, and Blind, at Berkeley, four thousand dollars."

This item is objected to, and not approved, for the reason that it is excessive and unnecessary, and that ample provision for the support of said asylum is made by the preceding item of this General Appropriation Bill.

Eighth item: "For increased facilities in the industrial department of the Asylum for the Deaf, Dumb, and Blind, at Berkeley, two thousand dollars."

This item is objected to, and not approved, for the reason that it is excessive and unnecessary, and that ample provision for the support of said asylum is made in a prior item of this General Appropriation Bill.

Ninth item: "For extension of boiler-house, new boilers, extension of heating, plumbing, painting, laundry, machinery, and general repairs in the female department of the Insane Asylum at Stockton, twelve thousand five hundred dollars."

This item is objected to, and not approved, for the reason that ample provision is made for all proper expenses of said asylum by the preceding item of this General Appropriation Bill.

Tenth item: "Extension of boiler-house, new boilers, extension of heating, and general repairs in the male department of the Insane Asylum at Stockton, seven thousand five hundred dollars."

This item is objected to, and not approved, for the reason that ample provision for all proper expenses of said asylum is made by a prior item of this General Appropriation Bill.

Eleventh item: "For State Printing Office, to be used in the publication of fifty thousand copies each Elementary Arithmetic, Elementary Grammar, and Elementary Physiology, twenty-five thousand dollars, exempt from the provisions of section four of this Act."

This item is objected to, and not approved, for the reason that the amount thereby appropriated is provided for the same purpose by Assembly Bill No. 503—entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor"—which bill was approved on the fifteenth day of March, 1887.

The foregoing statement of items of appropriation, objected to and not approved, contained in said Assembly Bill No. 459, and the reasons therefor, is appended to said bill at the time of signing the same, on the date first above written.

WASHINGTON BARTLETT, Governor.

CHAPTER CLXXI.

An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers, for the thirty-fourth fiscal year.

[Approved March 21, 1887.]

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

SECTION 1. The sum of one hundred and sixty-four dollars and sixty cents (\$164 60) is hereby appropriated out of any money in the General Fund not otherwise appropriated, to pay the deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers, for the thirty-fourth fiscal year. And the Controller is hereby authorized to draw his warrant for the amount, and the Treasurer to pay the same.

Appropriation. Deficiency stationery, fuel, and lights.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXII.

An Act to provide for the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-seventh fiscal year.

[Approved March 21, 1887.]

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 money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of rewards for the arrest and conviction of highway robbers, for the thirty-seventh fiscal year.

Appropriation. Deficiency payment of rewards.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXIII.

An Act to provide for the deficiency in the appropriation for contingent expenses in the office of Surveyor-General, for the thirty-sixth fiscal year.

[Approved March 21, 1887.]

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

Appropriation. Deficiency contingent expenses Surveyor-General.

SECTION 1. The sum of forty-two dollars and thirty-three cents is hereby appropriated out of any money in the State

Treasury not otherwise appropriated, to pay the deficiency in the appropriation for contingent expenses in the office of the Surveyor-General, for the thirty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXIV.

An Act to provide for the deficiency in the appropriation for postage, expressage, etc., of the Surveyor-General, for the thirty-fifth fiscal year.

[Approved March 21, 1887.]

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

Appropriation. Deficiency postage, etc., Surveyor-General.

SECTION 1. The sum of four dollars and forty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, etc., of the Surveyor-General, for the thirty-fifth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXV.

An Act to provide for the deficiency in the appropriation for the erection and maintenance of the State Salmon Hatchery, for the thirty-seventh fiscal year.

[Approved March 21, 1887.]

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

Appropriation. State Salmon Hatchery.

SECTION 1. The sum of sixteen hundred and forty-seven dollars and eighty-one cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the erection and maintenance of the State Salmon Hatchery, for the thirty-seventh fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXVI.

An Act to provide for the deficiency in the appropriation the uses of the State Board of Viticulture, for the thirty-seventh fiscal year.

[Approved March 21, 1887.]

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

SECTION 1. The sum of three hundred and forty-two dollars and forty-one cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the uses of the State Board of Viticulture, for the thirty-seventh fiscal year.

Appropriation. State Board Viticulture.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXVII.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and thirty-nine (739), relating to salaries of officers connected with the Supreme Court.

[Approved March 21, 1887.]

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

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

Salaries officers Supreme Court.

739. The annual salaries of the officers connected with the Supreme Court are as follows:

The Reporter of the Decisions, twenty-five hundred dollars;

The Phonographic Reporter, three thousand dollars;

Each Secretary of the Court, twenty-four hundred dollars;

Each Bailiff, fifteen hundred dollars.

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

CHAPTER CLXXVIII.

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

[Approved March 21, 1887.]

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

Appropriation. Deficiency contingent expenses Insurance Commissioner.

SECTION 1. The sum of four hundred and sixty-one dollars and seventy-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 rent and contingent expenses of Insurance Commissioner, for the thirty-seventh fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXIX.

An Act to amend sections two thousand five hundred and twenty-two, two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

[Approved March 21, 1887.]

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

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

Office hours.

Secretary responsible for moneys, etc.

Statement; when to be made.

Daily returns.

2522. The Secretary must keep the office of the Board open every day, legal holidays excepted, from nine o'clock A. M. till four o'clock P. M. He shall safely keep and be responsible for all moneys paid into the office, and for all the books and papers of the Board, attend their meetings and keep a perfect record of their proceedings, with the names of the Commissioners present thereat. He must keep in proper books an account of all moneys received and paid, and on or before the fifth day of each month must send to the State Controller a statement thereof, under oath, for the preceding month, showing the sources from which such moneys were received, and the purposes for which they were paid, and must also report to the Controller the amount paid to the State Treasurer for the month covered by such statement. He must enter daily, in proper wharf-books, the

returns made by the Wharfingers and Collectors, and, on the last day of each month, settle the accounts of each of them, and balance the said books as soon as possible thereafter.

When money is received from any source, he must retain a stub corresponding in number, date, and amount, with the receipt given therefor, and he must require the person paying it to sign said stub. He must record, at length, all contracts and agreements made by the Board, and keep a record of all personal property purchased, and its cost; and in case any be sold, the name of the purchaser, date of sale, and the price received therefor. Before entering on the duties of his office, he must give an official bond in the sum of fifty thousand dollars, and take and subscribe an official oath. Said bond must be approved by the Board, by written indorsement thereon, and be filed with such oath in the office of the Secretary of State. The Assistant Secretary shall attend at the office during office hours, and must perform such service as may be required of him by the Secretary or the Board. Before entering on the duties of his office, he must give an official bond in the sum of twenty thousand dollars, and take and subscribe an official oath. Said bond must be approved by the Board by written indorsement thereon, and be filed with such oath in the office of the Secretary of State. The attorney shall attend to the prosecution and defense of all suits, and render such legal service as may be required of him by the Board. The Chief Engineer must prepare such plans and specifications as the Board may direct, and if adopted, and the work ordered by the Board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfare, of the sheds, wharves, piers, and landings, of the streets or parts thereof under the jurisdiction of the Board, and when repairs are needed, must forthwith report to the Board, in writing, their nature and extent, and if ordered by the Board, must have the same done at once. He must keep himself informed as to the depth of water in the various docks and slips, and report to the Board, from time to time, what dredging is required. He must keep a register, properly indexed, showing the date, place, and character of every piece of work done and dock dredged, when begun and when finished, with proper descriptions and drawings. He must take and subscribe an official oath, and give a bond in the sum of ten thousand dollars, to be approved by the Board by written indorsement thereon. Said bond and oath must be filed in the office of the Board. The Chief Wharfinger must station, berth, and regulate the position of vessels in the docks and harbor, and cause them to remove from time to time, and from place to place, as the general convenience, safety, and good order may require. Subject to such regulation, he must assign berths to vessels in the order of their application after entering the harbor. He must supervise the Wharfingers, and report to the Board all cases of failure to perform their duties, and require all shipmasters, consignees, pilots, and masters of towboats to conform to the regulations of the Board. He must require the docks, slips, wharves, piers, and

Records;
how to be
kept.

Official bond.

Where file.

Assistant
Secretary.

Bond of.

Where file.

Chief En-
gineer.
Duties of.

Bond and
oath of
Where file.

Chief
Wharfinger.
Duties of.

other premises under the jurisdiction of the Board to be kept free of all obstructions, and when parties fail to obey his order to remove the same, he must forthwith report the fact to the Board, and execute their order in relation thereto. He must take and subscribe an official oath, and give such official bond as the Board may require, subject to their approval, to be indorsed thereon. Said bond and oath must be filed in the office of the Board. The Wharfingers shall have supervision of the wharves to which they are assigned, and must require the regulations of the Board and orders of the Chief Wharfinger to be respected and obeyed, and good order be preserved thereon. The Collectors must collect the revenues in such manner as the Board may direct, and must daily account for and pay all moneys into the office. The Wharfingers and Collectors must each take and subscribe an official oath, and give such official bond as the Board may require, subject to their approval, to be indorsed thereon; said bond and oath to be filed in their office. All the above named officers must perform such other duties pertaining to their positions as the Board may from time to time prescribe. The Board may, in its discretion, employ an assistant to the Chief Engineer, an assistant to the Chief Wharfinger, a Draftsman, a Superintendent of Dredgers, and such men on the dredgers, scows, towboats, and fireboats, and in doing urgent repairs, as they deem advisable, and prescribe their bonds, duties, and compensation; such employes shall hold their positions and be removable at the pleasure of the Board; but no officer or employé of the Board shall be removed or otherwise prejudiced for refusing to contribute to any political fund, or to render any political service; nor shall the Board, collectively or individually, use their official influence to coerce the political action of any such officers or employes. Nor shall the State dredgers be employed to dredge slips not under the control of the State, nor private work of any character.

SEC. 2. Section two thousand five hundred and twenty-four is hereby amended to read as follows:

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

Bond and
oath of.
Where file.

Collectors.
Duties of.

Bond and
oath of Col-
lector and
Wharfinger.

Employ
assistants.

Portion of
Bay of San
Francisco
under con-
trol of Com-
missioners.

Polk Street to the center of Tonquin Street; thence easterly along the center of Tonquin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the center of Dupont Street; thence southerly along the center of Dupont Street to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street; thence along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street; thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the center of East Street; thence southerly along the center of East Street to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Steuart Street; thence southerly along the center of Steuart Street to the center of Harrison Street; thence southerly on a direct line with said Steuart Street, two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on a map; thence at right angles, westerly, along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the center of Townsend Street; thence westerly along the center of Townsend Street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King Street; thence along the center of King Street to the center of Second Street; thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street to the center of Third Street; thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the last mentioned line to the easterly line of Fifth Street; thence southerly along said last mentioned line to the southerly line of said Channel Street; thence easterly along said

Portion of
Bay of San
Francisco
under con-
trol of Com-
missioners.

Portion of Bay of San Francisco under control of Commissioners.

mentioned line to the center of Kentucky Street; thence southerly along the center of Kentucky Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Louisiana Street; thence southerly along the center of Louisiana Street to the center of El Dorado Street; thence along the center of El Dorado Street to the center of Illinois Street; thence southerly along the center of Illinois Street to the center of Solano Street; thence easterly along the center of Solano Street to the waterfront line established by the Board of State Tide Land Commissioners; thence southerly along said last mentioned line to the center of Tulare Street; thence westerly along the center of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street to the center of Islais Street; thence easterly along the center of Islais Street to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of India Street; thence westerly, southerly, and easterly along the center of said India Street to the center of Waterfront Street, to the center of China Street; thence westerly along the center of China Street to the center of Third Avenue; thence southerly along the center of Third Avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last mentioned line to the waterfront established by the Board of State Tide Land Commissioners; thence southerly along and around said dry dock company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of Nineteenth Avenue; thence westerly along the center of Nineteenth Avenue to the center of Dock Street; thence southerly along the line of Dock Street to the center of Twenty-third Avenue; thence westerly along the center of Twenty-third Avenue to the center of H Street; thence southerly along the center of H Street to the center of Twenty-fourth Avenue; thence easterly along the center of Twenty-fourth Avenue to the center of Waterfront Street; thence southerly along the center of said Waterfront Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio Reservation, extended in a northerly direction, intersects the three-fathom contour line, shown upon the charts of the United States Survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, A. D. eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry Streets; thence continuing southerly upon straight or curved lines, in such a manner as to approach as near as practicable the extreme

Lines and points outside of which no harbor embankment shall be constructed.

outer projections of the water-line front, as established by the Board of State Tide Land Commissioners, to the southerly boundary of said City and County of San Francisco; and said Commissioners, in addition to a general control over said premises, shall have authority to use, for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portion of the streets of the City and County of San Francisco ending or fronting upon the waters of said bay, as may be used for such purposes without obstructing the same as thoroughfares, and authority to rent an office in the City and County of San Francisco, between Montgomery, Market, and Pacific Streets and the city front; and purchase, from time to time, suitable books for the records of the Secretary and accounts of the Wharfingers, together with such stationery as may be required by the Board, and to fix and regulate, from time to time, the rates of dockage, wharfage, crantage, tolls, and rents, and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article; and the Commissioners and Mayor of San Francisco may so modify and establish such rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five, collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished, and the toll collectors discharged. The Commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the Board may deem most suitable for the best interest of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading, and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City and County of San Francisco by water. And for the purpose of repairing said wharves, piers, quays, and landings, the Commissioners are hereby authorized and empowered to purchase or construct pile-drivers and the necessary machinery to be used therewith, and employ men for operating the same. But no wharf shall be extended into the bay more than six hundred feet beyond the inside line, or line nearest the shore of the City and County of San Francisco, described in this article, or more than six hundred feet beyond the permanent waterfront line when established under the provisions of this article, nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. When they determine that a new wharf shall be erected, or any other necessary improvement constructed or repairs made, or dredging machines, pile-drivers, scows, steam tugs, and any necessary machinery, the cost of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period not less

Authority of
Commis-
sioners.

Advertise for
proposals.

than ten days, in one or more of the daily newspapers in the City and County of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal; such check to be made payable to the order of the Secretary of said Board, conditioned if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case said sum mentioned in said check shall be paid into the State Treasury by said Secretary as liquidated damages for such failure and neglect, as a portion of the San Francisco Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used; which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the Commissioners, the bids are too high, they may reject them, and advertise anew in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The Board may construct such harbor embankment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of watercraft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging, the Board of State Harbor Commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the Board, in not less than fifteen fathoms of water. All classes of watercraft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon, or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such watercraft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay

What the advertisement must show.

Specifications.

Open bids and award contract.

General authority of Board.

one half the regular rates of dockage. Any watercraft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the Commissioners, their agents, or lessees, may hold possession of any such goods, wares, or merchandise, so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares, and merchandise so landed, until such charge for wharfage and tolls are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State which is intrusted to them by virtue of this article; and said Commissioners are hereby authorized and required to make, without delay and from time to time, and publish not less than thirty days, in a daily newspaper of general circulation, published in the City and County of San Francisco, all needful rules and regulations, not inconsistent with the laws of the State or of the United States, in relation to the moving and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the Bay of San Francisco and the fresh water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise, landed upon any wharf, pier, quay, landing, or thoroughfare, shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare, beyond the term so prescribed, the respective Wharfinger may, under the order of the Commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign for the exclusive use of the watercraft used by the officers of the Federal Government such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their

General
authority
of Board.

General
authority
of Board.

convenience; and the Commissioners shall charge a reasonable compensation per month for the use of such landings, and office, and storehouse premises; set apart and assign a suitable and proper locality for the use of the harbor police of the City and County of San Francisco; and also a suitable place for a boat-house station, for the exclusive use of the Quarantine and Health Officers of said city and county, without compensation; set apart and assign for the exclusive use of steam ferryboats suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers, and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers, and safe landing and delivery of freight; and set apart and assign for the sole and exclusive use of the fishermen of the City and County of San Francisco such place or places as the said Commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises so set apart by said Commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; *and provided*, said Commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any watercraft to land any greater number than ten at any one time from any watercraft at any other place. The Commissioners may set apart for the uses and purposes of dry docks and marine railways such portions of the waterfront northwesterly of the northerly end of Kearny Street, and southerly of the easterly end of Solano Street, as the wants of commerce may require, and lease the same for a period not to exceed ten years. When the Commissioners lease premises for marine railways and dry dock purposes, as provided in this section, they shall advertise for sealed proposals, for a period of not less than ten nor more than twenty days, in one of the daily newspapers of the largest circulation, printed in the City and County of San Francisco, which advertisement shall contain a description of the premises to be leased. On the day named in the advertisement the Commissioners shall open the bids in the presence of such of the bidders as are present, and award the premises to be leased to the highest responsible bidder that shall furnish sufficient sureties to guarantee the payment of the rent, and may negotiate for and accept and cancel any lease of any portion of the premises described in this article, and pay a reasonable compensation for any structures upon any such leased premises as, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is

Proviso.

intended to promote. No person or company shall, without the consent of the Board of State Harbor Commissioners, land or remove any goods, wares, or merchandise, or other thing, upon or from any wharf, pier, quay, landing, or thoroughfare situate upon the premises described in this article, unless authorized to do so by virtue of valid lease; nor shall any person collect dockage, wharfage, crantage, or toll within the boundaries of the premises described in this article, except by virtue of valid leases, without first obtaining permission to do so from said Commissioners; nor shall any person or company place, or cause to be placed, any obstructions in that portion of the Bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with, by goods, wares, merchandise, or other substance, whether loose or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which notice may be served by a Wharfinger or the Secretary or Assistant Secretary of the Board), the owner, agent, or occupant or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified, shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which such obstructions shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rates of dockage, wharfage, and tolls, shall not exceed those established by the Board of State Harbor Commissioners, July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip.

General
authority
of Board.

Moneys
collected.
Disposition
of.

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

2528. All moneys collected shall be paid into the State Treasury, and be credited to the San Francisco Harbor Improvement Fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile-driving and piles, clearing the wharves and bulkheads, legal and other incidental expenses, and in addition, six thousand dollars per month for urgent repairs, which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the

streets bounding on the waterfront under the jurisdiction of the Board, without advertising for proposals therefor. Such moneys may be remitted to the State Treasurer by express.

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

Report to
Controller.

2530. On the payment to the State Treasurer of any sum of money, the Secretary and the State Treasurer must report to the State Controller the amount so paid, and the Treasurer must give the Secretary a receipt for the same. Such payments shall be considered as payments into the State Treasury, and the Treasurer shall be responsible on his official bond therefor.

SEC. 5. Section two thousand five hundred and forty-five is hereby amended so as to read as follows:

Qualification
of officers.

2545. No person shall be appointed to any office by virtue of this article, nor be employed in the service of the Board, unless he be a qualified elector of the State, nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of or on the inland waters of the Bay of San Francisco, as owner, mortgagee, or otherwise, or as a stockholder in any company owning such vessels, or who is a consignee, the general or freight agent or manager of any such vessels, or agent or other employé of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore, in loading and discharging such vessels. No person not a citizen of the United States shall be employed either as contractor or laborer on any work done under this article. And eight hours shall constitute a legal day's work, whether performed directly for the State or for the person or persons receiving a contract under this article.

Legal day's
work.

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

Salaries of
officers.

2552. The monthly salaries of the officers of the Board shall be as follows: The President, three hundred dollars; each of the other two Commissioners, two hundred and fifty dollars; the Secretary, two hundred dollars; the Assistant Secretary, one hundred and fifty dollars; the attorney, two hundred dollars; the Chief Engineer, two hundred and fifty dollars; the Chief Wharfinger, two hundred and fifty dollars; the Wharfingers, one hundred and twenty-five dollars, and the Collectors, one hundred dollars. The Board must fix the compensation of the other employés. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses.

CHAPTER CLXXX.

An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California.

[Approved March 21, 1887.]

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

SECTION 1. Every person engaged in the vocation of fishing in the public waters of this State, who shall use a boat and net for the purpose of such fishing, must obtain a license before engaging in such vocation. The Controller of State shall prepare suitable licenses, of the classes designated by the Fish Commissioners, which shall purport to license the holder of such license to fish in any of the public waters of this State, with nets and by boat, for the term of one year from the first day of April of one year to the first day of April of the year following. The licenses shall be numbered consecutively, beginning with number one, and contain blanks for the insertion of the name of the holder, the name of the county in which he resides, and the name or number of his boat. The Controller shall sign all licenses and deliver the same to the Fish Commissioners, on demand, who shall be charged for the same by the Controller. Each license, before delivery to the applicant for a license, must be countersigned by the President of the Board of Fish Commissioners, and the President of the Board of Fish Commissioners shall execute a bond to the people of the State of California, in the sum of two thousand (\$2,000) dollars for the faithful performance of the duties imposed upon him by this Act. The number of the license must be displayed by the holder on each side of the stern of his boat, in length not less than four (4) inches, and in width to correspond with the length; and a failure to so display the number within five days after receipt of the license, or the fishing by the holder of a license by unlawful lines, nets, seines, bay-net modes or methods, in violation of the law for the preservation of fish and game, shall work a forfeiture of such license. The owner or user of each fishing boat worked by less than three men, shall pay an annual license fee of five dollars; and the owner or user of each boat worked by three or more men, shall pay an annual license fee of two and one half (2½) dollars for each man so employed.

SEC. 2. The said license fees must be collected by the Fish Commissioners, or some one designated by them for that purpose; and each of the Commissioners, and such persons designated by them for the purpose of collecting said license fees, is and are hereby empowered to arrest any person fishing, or using a boat and net for fishing, without a license, contrary to the provisions of section one of this Act. The Commissioners may reserve out of the proceeds of the col-

Obtain license.

Controller to furnish license.

President of Board. Bond of.

License; how displayed.

License fees.

How collected.

Compensation for collecting.

lection of such license fifteen (15) per cent to pay for services for such collection.

Moneys
collected.
How dis-
posed of.

SEC. 3. The money collected from such licenses, less the percentage deducted, shall be paid by the Commissioners into the State Treasury, and shall constitute a fund to be called the "Fish Commission Fund." Said fund shall be applicable to the payment of the expenses of propagating, protecting, restoring, and introducing fish in the public waters of the State, and to the payment of expenses incurred in the prosecution of offenders against the provisions of this Act, and to the compensation to the Commissioners for each day employed in the discharge of their duties, to be fixed by the State Board of Examiners, and all other necessary expenses.

SEC. 4. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CLXXXI.

An Act appropriating the sum of ten thousand dollars to erect a brick building, to be used as a dormitory for the "adult blind" inmates at the "Home for the Adult Blind."

[Approved March 21, 1887.]

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

ARTICLE I.

SECTION 1. The sum of ten 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 as the "Fund of the Industrial Home of the Adult Blind."

Objects. SEC. 2. The object of this sum of money is the erection of a building to be used as a dormitory for the male inmates of the said Home.

How expended. SEC. 3. No money shall be drawn from this fund except for the purpose of erecting and furnishing the building aforesaid.

State Board of Examiners to approve bills. SEC. 4. All moneys drawn from this fund shall be drawn only upon bills ordered paid by the Board of Directors of the Home for Adult Blind, and approved in writing by the State Board of Examiners, and when so approved, the Controller must issue his warrant in payment thereof, and the State Treasurer must pay the same.

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

CHAPTER CLXXXII.

An Act to appropriate money to pay the claim of Richard Coleman, formerly First Lieutenant commanding Company "D," Fifth Infantry Battalion, Second Brigade, National Guard of California, for moneys paid by him as expenses of said company.

[Approved March 21, 1887.]

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

SECTION 1. The sum of six hundred and fifty (\$650) dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of Richard Coleman, formerly First Lieutenant commanding Company "D," Fifth Infantry Battalion, National Guard of California, for moneys paid by him as expenses of said company.

Appropriation. Claim of Richard Coleman.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXXIII.

An Act to amend section eleven hundred and twenty-seven of the Political Code of the State of California, relating to the establishing of election precincts.

[Approved March 23, 1887.]

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

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

1127. The Board of Supervisors of each county must establish a convenient number of election precincts therein, with such boundaries that not more than three hundred and fifty qualified electors of the county shall reside in any one precinct.

Election precincts. Establishment of.

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

CHAPTER CLXXXIV.

An Act to pay the claim of J. W. Rock, for the construction of a steam launch.

[Approved March 23, 1887.]

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

Appropriation. Claim of J. W. Rock.

SECTION 1. The sum of five hundred and ninety-five dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, to pay the claim of J. W. Rock, for the construction of a steam launch; and the Controller is hereby authorized to pay the same.

CHAPTER CLXXXV.

An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, and six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

[Approved March 24, 1887.]

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

SECTION 1. Section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Quail, partridge, or grouse.

Eggs of.

Doves.

Male antelope, deer, or buck.

Skins of.

Female deer, antelope, etc.

626. Every person who, in the State of California, between the first day of March and the tenth day of September, in each year, hunts, pursues, takes, kills, or destroys quail, partridges, or grouse, or rail, is guilty of a misdemeanor. Every person who, in any of the counties of this State, at any time, takes, gathers, or destroys the eggs of any quail, partridge, or grouse, is guilty of a misdemeanor. Every person who, in this State, between the first day of January and the first day of June in each year, hunts, pursues, takes, kills, or destroys doves, is guilty of a misdemeanor. Every person who, between the fifteenth day of December in each year and the first day of July in the following year, hunts, pursues, takes, kills, or destroys any male antelope, deer, or buck, is guilty of a misdemeanor. Every person in the State of California who has in his possession any hides or any skins of deer, elk, antelope, or mountain sheep, killed between the fifteenth day of December and the first day of July, is guilty of a misdemeanor. Every person who shall at any time, in the State of California, hunt, pursue, take, kill, or destroy any female antelope, elk, mountain sheep, female deer, or doe, shall be guilty of a

misdemeanor. Every person who shall at any time hunt, pursue, take, kill, or destroy any spotted fawn, is guilty of a misdemeanor. Every person who shall take, kill, or destroy any of the animals mentioned in this section, at any time, unless the carcass of such animal is used or presented by the person taking or slaying it, or is sold for food, is guilty of a misdemeanor. Every person who shall buy, sell, offer or expose for sale, transport or have in his possession any deer, or deer skin or hide, from which evidence of sex has been removed, or any of the aforesaid game at a time when it is unlawful to kill the same, provided by this and subsequent sections, is guilty of a misdemeanor.

Spotted fawn.

Evidence of sex removed.

Sec. 2. Section six hundred and thirty-one of the same Act is hereby amended so as to read as follows:

631. Every person who shall at any time net or pound any quail, partridge, or grouse, and every person who shall sell, buy, transport, or give away, or offer or expose for sale, or have in his possession, any quail, partridge, or grouse that have been snared, captured, or taken in or by means of any net or pound, is guilty of a misdemeanor. Proof of possession of any quail, partridge, or grouse, which shall not show evidence of having been taken by means other than a net or pound, shall be prima facie evidence in any prosecution for a violation of the provisions of this section that the person in whose possession such quail, partridge, or grouse is found, took, killed, or destroyed the same by means of a net or pound.

Net or pound quail, partridge, etc.

Sec. 3. Section six hundred and thirty-six of the same Act is hereby amended so as to read as follows:

636. Every person who shall set, use, or continue, or who shall assist in setting, using, or continuing any pound, weir, set net, trap, or any other fixed or permanent contrivance for catching fish in the waters of this State, is guilty of a misdemeanor. Every person who shall cast, extend, or set any seine, or net of any kind, for the catching of, in any river, stream, or slough of this State, which shall extend more than one third across the width of said river, stream, or slough, at the time and place of such fishing, is guilty of a misdemeanor. Every person who shall cast, extend, set, use, or continue, or who shall assist in casting, extending, using, or continuing "Chinese sturgeon lines," or "Chinese shrimp or bag nets," or lines or nets of similar character, for the catching of fish in the waters of this State, is guilty of a misdemeanor. Every person who, by seine or any other means, shall catch the young fish of any species, and who shall not return the same to the water immediately and alive, or who shall sell, or offer for sale, any such fish, fresh or dried, is guilty of a misdemeanor. Every person convicted of a violation of any of the provisions of this chapter shall be punished by fine of not less than fifty dollars, and not more than three hundred dollars, or imprisonment in the county jail of the county where the offense was committed, for not less than thirty days nor more than six months, or by both such fine and imprisonment. One third of all moneys collected for fines for violation of the provisions of

Fish.

Fish.

this chapter to be paid to informer, one third to the District Attorney of the county in which the action is prosecuted, and one third to the Fish Commissioners of the State of California. Nothing in this chapter shall be construed to prohibit the United States Fish Commissioners or the Fish Commissioners of the State of California from taking such fish as they shall deem necessary for the purpose of artificial hatchery, nor at any time. It shall not be lawful for any person to buy, or sell, or offer or expose for sale, within this State, any kind of trout (except brook trout) less than eight inches in length. Any person violating any of the provisions of this section is guilty of a misdemeanor. The Board of Supervisors of the several counties of this State are authorized by ordinance, duly passed and published, to change the beginning or ending of the close season named in section six hundred and twenty-six of this Code, so as to make the same conform to the needs of their respective counties, whenever, in their judgment, they deem the same advisable.

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

CHAPTER CLXXXVI.

An Act to amend sections three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, and three thousand four hundred and fifty-four of the Political Code, relative to the adoption of by-laws, the election of Trustees, their powers, duties, and compensation, in reclamation districts of this State.

[Approved March 24, 1887.]

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

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

Adopt by-laws for government of district.

3452. After the approval of the petition, the owners of land embraced in the district, or those owning a majority in acreage thereof, must adopt by-laws, not inconsistent with the laws of the State, for the government and control of the affairs of the district. The by-laws thus adopted must be signed by the holders of certificates of purchase, patents, or other evidences of title, representing a majority in acreage of the land embraced in the district, and must be by them filed for record with the County Recorder of the county, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to reclamation. By-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted.

File with County Recorder.

Amended.

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

Election; when called.

3453. After the approval of the petition and the adoption of by-laws, the Board of Supervisors of the county where the district was formed, on the application of a land owner of

the district, must call an election in compliance with the provisions of section thirty-four hundred and ninety-one of this Code, at which election there must be elected, under and in pursuance of the provisions of said section thirty-four hundred and ninety-one, three eligible persons, who shall constitute, when elected and qualified, the Board of Trustees of the district, for the management of the affairs thereof, and who shall hold office for two years next succeeding their election, and until their successors are elected and qualified. The Board of Trustees must keep an office in or near the district for the transaction of the business thereof, and the books, maps, papers, records, contracts, and other documents pertaining to the affairs of the district, must be open to inspection by any person interested, at all times.

Board of Trustees.

Records.

Sec. 3. Section thirty-four hundred and fifty-four of the Political Code is hereby amended to read as follows:

3454. The Board of Trustees have power to elect one of their number President thereof; to employ engineers and others to survey, plan, locate, and estimate the cost of the works necessary for the reclamation of the lands of the district; to acquire by purchase, condemnation, or otherwise, the right of way, and the right to take material for the construction of all works necessary for the accomplishment of that object, including drains, canals, sluices, bulkheads, water-gates, levees, and embankments, and to construct, maintain, and keep in repair all works requisite and necessary to that end; and to do all other acts and things necessary or required for the reclamation of the lands embraced in the district. And the several members of the Board shall each be entitled to receive, for actual and necessary services performed, and for expenses incurred by them respectively, for and in the interest of the district, such compensation as the Board may determine to be just and reasonable, and shall allow, and the same shall constitute indebtedness of the district, for which warrants of the district must be drawn and paid in the same manner and out of the same fund as other warrants of the district; *provided*, that no warrant thus drawn shall be valid until approved by the Board of Supervisors of the proper county.

Powers of Board.

Compensation.

Proviso.

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

CHAPTER CLXXXVII.

An Act making appropriations for the purchase of additional jute machinery and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto.

[Approved March 24, 1887.]

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

Appropriation purchase of jute machinery, etc.

SECTION 1. The sum of one hundred and sixty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the State Board of Prison Directors, to pay for the purchase of additional jute machinery and the erection of buildings for the manufacture of jute goods, and other expenses immediately appertaining to the carrying out of the object of this Act, for the State Prison at San Quentin; and the State Controller is hereby ordered and directed to draw the necessary warrants therefor, and the State Treasurer is hereby directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXXVIII.

An Act relating to the dissolution and modification of injunctions, and amending sections five hundred and thirty and five hundred and thirty-two of the Code of Civil Procedure.

[Approved March 24, 1887.]

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

Sections five hundred and thirty and five hundred and thirty-two of the Act of the Legislature of California, approved March eleventh, eighteen hundred and seventy-two, entitled "An Act to establish a Code of Civil Procedure," is hereby amended to read as follows:

Cause to be shown why injunction should not be granted

530. If the Court or Judge deem it proper that the defendant, or any of several defendants, should be heard before granting the injunction, an order may be made requiring cause to be shown, at a specified time and place, why the injunction should not be granted; and the defendant may, in the meantime, be restrained. In all actions pending or which may be hereafter brought, when an injunction or restraining order has been or may be granted, or applied for, to prevent the diversion pending the litigation, of water used or to be used for irrigation or domestic purposes only, if it be made to appear to the Court that the plaintiff is entitled to the in-

junction, but that the issuance thereof pending the litigation will entail great damage upon the defendant, and that plaintiff can be fully compensated for such damages as he may suffer, the Court may refuse the injunction upon the defendant giving a bond, such as is provided for in section five hundred and thirty-two; and upon the trial the same proceedings shall be had, and with the same effect, as in said section provided.

Defendant giving bond.

532. If an injunction be granted without notice, the defendant, at any time before the trial, may apply, upon reasonable notice, to the Judge who granted the injunction, or to the Court in which the action is brought, to dissolve or modify the same. The application may be made upon the complaint and the affidavit on which the injunction was granted, or upon affidavit on the part of the defendant, with or without the answer. If the application be made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other evidence, in addition to those on which the injunction was granted. In all actions pending, or which may be hereafter brought, when an injunction or restraining order has been or may be granted or applied for, to prevent the diversion, pending the litigation, of water used or to be used for irrigation or domestic purposes only, if it be made to appear to the Court that great damage will be suffered by the defendant in case the injunction is continued, and that the plaintiff can be fully compensated for any damages he may suffer by reason of the continuance of the acts of the defendant during the pendency of the litigation, the Court, in its discretion, may dissolve or modify the injunction, upon the defendant giving a bond, with sureties to be approved by the Judge, and in such amount as may be fixed by the Court or Judge, conditioned that the defendant will pay all damages which the plaintiff may suffer by reason of the continuance during the litigation of the acts complained of. Upon the trial the amount of such damages shall be ascertained, and in case judgment is rendered for the plaintiff, the amount fixed as such damages shall be included in the judgment, together with reasonable attorneys' fees. Upon a suit brought on the bond the amount of damages as fixed in said judgment shall be conclusive upon the sureties.

Injunction, how modified or dissolved.

This Act shall take effect on and after its passage.

CHAPTER CLXXXIX.

Senate Constitutional Amendment No. 2.

[Approved March 12, 1887.]

To propose to the people of the State an amendment to the Constitution of the State, relative to the Judiciary Department.

Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. one thousand eight hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections two and three of article six of the Constitution of said State be amended so as to read as follows:

Section 2. The Supreme Court shall consist of seven Justices. The Associate Justices of the Supreme Court, in office at the time of the adoption of this amendment to the Constitution, are hereby continued in office as Justices of the Supreme Court for the remainder of the terms to which they were respectively elected. The Justices shall elect one of their number to be Chief Justice, and he shall hold the office of Chief Justice of said Court for a term of two years. At the expiration of the term of the Chief Justice first elected, and every two years thereafter, the Justices shall elect a Chief Justice for a like term of two years. An entry of the election of such Chief Justice shall be made in the minutes of the Court and signed by four Justices. Whenever thereafter a vacancy occurs in the office of Chief Justice, a like election shall be had to fill such office for the unexpired term. The Supreme Court may sit in departments or 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 Justices to each department, and such assignment may be changed by him from time to time. The 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 two 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

Supreme Court consists of. Term of office.

Fill vacancy, office of Chief Justice.

Entered in minutes of Court.

Open for the transaction of business. Departments. Assignment by Chief Justice.

Three Justices necessary for transaction of business. Judgment.

Apportionment of business. Time to make order.

within thirty days after such judgment, and concurred in by two 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 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. The Supreme Court Commission, created by the Act of the Legislature approved March twelfth, eighteen hundred and eighty-five, shall continue and be a Supreme Court Commission for four years after the adoption of this amendment. Said Commission may be continued for such time thereafter as may be fixed by an Act passed by a vote of two thirds of the elected members of each House of the Legislature, and approved by the Governor. The members thereof and Secretary shall be appointed as in said Act provided; and such Commissioners shall be subject to removal in like manner as Judges of the Supreme Court. Said Commission shall have the same power to hear and determine causes possessed by a department of the Supreme Court; and causes may be assigned to the Commission in the same manner they are assigned to a department, and after decision they may be ordered heard in bank, in the same way and with like restrictions as if decided in department. The judgments of the Commission shall be entered as the judgments of the Court. The Commission shall sit at such times and places as may be designated by the Court, but such Commissioners shall not exercise any judicial functions except when assembled as a Commission, and then they shall only have power to hear and determine such causes as may have been assigned to them.

In bank.

Final judgment.

Judgment in bank.

Decisions to be made in writing.

Election of temporary Justice.

Term of Supreme Court Commission.

Appointment of members and Secretary. Powers of Commission.

Entry of judgments.

Assignment of cases.

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general State elections, and the times and places at which State officers are elected; and the term of office shall be twelve years from and

Election and term of office, Supreme Justices.

after the first Monday after the first day of January next succeeding their election. Three Justices shall be elected for the full term at the general State election held in eighteen hundred and ninety; and at the general election held every fourth year thereafter, two Justices shall be elected for full terms of twelve years, except that in every twelfth year thereafter three Justices shall be elected for full terms. If the Chief Justice, or any Justice, becomes permanently disqualified, either mentally or physically, to perform the duties of his office, and such fact is certified to the Governor by five Justices, one of whom may be the Chief Justice in case of the disability of a Justice, the office of such disqualified person becomes immediately vacant, and he shall be paid a retiring salary of two hundred and fifty (250) dollars per month for the remainder of his term. If a vacancy exist or occur in the office of a Justice, the Governor shall appoint a person to hold the office for the remainder of the unexpired term. The Governor shall appoint a Justice to hold office as Justice for the unexpired term of the late Chief Justice.

Election for full term.

Disability of Justices.

Retiring salary.

Appointment by Governor.

RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

CHAPTER I.

Senate Concurrent Resolution No. 4.

[Adopted February 10, 1887.]

WHEREAS, It is reported that the honorable the Secretary of State of the United States has recommended the reduction of the duty on raisins; whereas, such reduction, if made, would be injurious to a large and growing industry in this State; therefore, be it

Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be requested to use all honorable endeavors to prevent such reduction.

Representatives in Congress requested to take steps to prevent reduction.

Resolved, That the Governor of the State of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and one to the Secretary of State of the United States.

CHAPTER II.

Senate Concurrent Resolution No. 1.

[Adopted February 17, 1887.]

Resolved by the Senate, the Assembly concurring, That school text-books published and to be published by the State, under the provisions of an Act of the Legislature, approved February twenty-sixth, eighteen hundred and eighty-five, be furnished by the State, as follows: One copy of each of said school text-books to the Superintendent of Public Instruction of each State and Territory of the United States, and to each City Superintendent and each County Superintendent of the State of California, and to each member of the Committee on Education of the Senate and to each member of the Committee on Education of the Assembly of the twenty-seventh session of the Legislature; and further, that there be furnished to each member of the State Board of Education ten copies of each of said school text-books, to be distributed at his discretion; to the Superintendent of Public Instruction of this State, one hundred copies of each

Designating persons to whom school text-books shall be furnished by the State.

of said school text-books, to be by him distributed to school officers and publishers of educational journals.

Designating
libraries to
be furnished.

And be it further resolved, That two copies of each of said school text-books be furnished to the California State Library, to the library of the University of California, and to the library of each of the California State Normal Schools.

Superintend-
ent of Public
Instruction
to distribute.

Resolved, That the State Superintendent of Public Instruction be and he is hereby authorized to draw his requisition upon the Superintendent of State Printing for said school text-books, and to distribute the same as designated in the foregoing resolutions.

CHAPTER III.

Assembly Concurrent Resolution No. 4, relating to a conference of State Librarians.

[Adopted February 28, 1887.]

Preamble.

WHEREAS, The officers of the public libraries of the United States, other than State libraries, through the medium of the American Library Association, have succeeded in a large measure in securing uniformity of methods and administration among the libraries they have represented, have been greatly benefited by exchange of ideas and the publication of individual experience, in regard to cataloguing, binding, lighting, shelving, building, construction, circulation, exchanges, and disposition of duplicates; have derived great advantage from their joint and combined efforts to secure a liberal distribution of public documents, a reduction of postage rates, and freedom from duty on foreign books purchased for the use of public libraries, and have in other ways been able to accomplish much for the present and permanent good of library institutions; and whereas, we believe a similar organization on the part of State Librarians would result in similar benefit to State libraries, would place them on a higher plane, and add much to their character and general usefulness, and might and would be made the medium of securing similarity of laws relating to foreign exchanges, uniformity of public reports, and of printing, binding, and indexing the same, and a more liberal and uniform policy of domestic exchange and distribution, to the end that each State may more readily profit by the experience of her sister States; now, therefore, be it

Requesting
sister States
and Territo-
ries to join in
promotion of
conference of
State
Librarians.

Resolved by the Assembly of the State of California, the Senate concurring, That the State of California appeals to her sister States and Territories to join with her, through their Legislatures, Librarians, Library Trustees, or executive officers, in the promotion of a conference of State Librarians, for taking such steps as in their judgment will result in permanent benefit to State libraries in the matters above mentioned; that in the judgment of this Legislature the expenses of each

member at such conference should be borne by the State or Library Fund which he represents.

Resolved, That the Librarian of the California State Library be and he is hereby directed to communicate with the Librarians of the various States, with a view of organizing such a conference, and providing for the time and place of meeting.

Resolved, That his Excellency Washington Bartlett, Governor of the State of California, be requested to forward to each State in the Union three copies of these resolutions, as follows: one copy to the Secretary of State, one to the Governor, and one to the State Librarian.

State Librarian directed to communicate with others.

Governor to forward copies.

CHAPTER IV.

Senate Concurrent Resolution No. 3, relative to the withdrawal of Government timber land from sale.

[Adopted March 4, 1887.]

WHEREAS, The interests of California, like those of all countries, necessitate the reservation of a certain portion of land in forest for the best interests of agriculture; and whereas, the proportion of land in the greater part of California in forest is already much less than is deemed essential by scientific men; and whereas, the land laws of the United States and of this State, applying to forest lands, are unsuited to the honestly conducted lumber trade, and fail totally to guard against waste or destruction by fire, and provide no protection for a future lumber and fuel supply, or for the preservation of the watersheds of our State; and whereas, when these laws are good, the absence of adequate machinery for their execution forms a bar to their utility, and thus fraud, dishonesty, and waste are rife, and robbery of the timber of the General Government and from the State school lands is common; and whereas, these practices and wrongs should cease; therefore, be it

Preamble.

Resolved by the Senate and Assembly of California, That the Senators in Congress are instructed, and the Representatives of this State in the Federal Congress are hereby requested, to use their utmost endeavors to improve the present land laws applying to timber lands, and especially to provide for a definitive survey of said lands, for the purpose of ascertaining what portion thereof, if any, should be reserved to secure a permanent and continuous supply of timber and fuel for our citizens, and to protect the agriculture of the State from injury and destruction by flood and drought.

Congress requested to improve land laws applying to timber lands.

CHAPTER V.

Senate Concurrent Resolution No. 7.

[Adopted March 12, 1887.]

Concurrent Resolution in behalf of Charles M. Blake, late Chaplain of the United States Army.

Congress
requested to
pass House
Bill No. 3157,
for relief of
Charles M.
Blake.

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress are requested and our Senators instructed to urge the passage of House Bill number three thousand one hundred and fifty-seven, "For the relief of Charles M. Blake," introduced by Representative Morrow, January seven, eighteen hundred and eighty-six, of which a copy is as follows, viz.:

(Copy.)

Copy of bill.

Forty-ninth Congress, first session. H. R. number three thousand one hundred and fifty-seven.

In the House of Representatives, January seven, eighteen hundred and eighty-six.

Read twice, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. Morrow introduced the following bill: A bill for the relief of Charles M. Blake.

WHEREAS, It appears that Charles M. Blake, a Post Chaplain in the United States Army, while suffering in Arizona from a wound and fever received and incurred in the line of duty, and from which he became for some time insane, and was wholly irresponsible, and in that condition did, on or about December twenty-fourth, eighteen hundred and sixty-eight, make a tender of his resignation to the Secretary of War, and the same was accepted by the President while the said Chaplain Blake was thus sick and entirely unconscious of the said resignation having been tendered; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That Charles M. Blake, Post Chaplain in the army, retired, shall be entitled to the full rank, pay, and allowances of Chaplain in the army from April twenty-eighth, eighteen hundred and sixty-nine, to May fourteenth, eighteen hundred and seventy-eight, the same as if his service had been continuous from August thirteenth, eighteen hundred and sixty-one; and the accounting officers of the Treasury be and are hereby directed to so settle his accounts.

CHAPTER VI.

Assembly Joint Resolution No. 3, relating to the construction of a breakwater at Port Harford, in the Bay of San Luis Obispo.

[Adopted January 26, 1887.]

WHEREAS, The government of the United States has caused Preamble.
to be made a survey of a proposed breakwater at Port Harford, in the Bay of San Luis Obispo; and whereas, the construction of said breakwater is of great importance to the commerce of this State, both as a harbor of refuge and for the accommodation of vessels engaged in the coasting trade on the southern coast of this State; therefore, be it

Resolved by the Assembly of the State of California, the Senate Representatives in Congress requested to vote for appropriation for construction of breakwater at Port Harford.
concurring, That our Senators and Representatives in Congress are requested to vote for an appropriation for the construction of said breakwater, and to use every effort to procure said appropriation to be made.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER VII.

Assembly Joint Resolution No. 7, relative to the matter of securing an appropriation for the purpose of improving Humboldt Bar.

[Adopted February 4, 1887.]

WHEREAS, The County of Humboldt, in this State, possesses Preamble.
many important resources and interests, consisting of mines, grazing and farming land, fisheries, and an extensive and valuable belt of redwood-bearing lands from which many hundred thousand dollars worth of lumber is annually exported; and whereas, the prosperity and development of said county depend almost wholly upon the successful navigation of Humboldt Bay, situated in the most populous part of said county; and whereas, the navigation of said bay is rendered extremely dangerous and uncertain by reason of the existence of a sandbar at the entrance of said bay; and whereas, it is imperatively demanded that the said bar and entrance to said bay be so improved as to make the navigation of said bay safe and certain; therefore, be it

Resolved by the Assembly of California, the Senate thereof Congress requested to secure appropriation for improvement of Humboldt Bar.
concurring, That we urgently and respectfully request of our Senators and Representatives in Congress that they use every effort to secure an appropriation for the purpose of improving said Humboldt Bar sufficiently large to insure immediate action in that behalf, and that no means to that end be left untried until the people of Humboldt County be rescued

from a condition so detrimental to their best interests; and further

Resolved, That his Excellency the Governor be requested to immediately forward to each of our Senators and Representatives in Congress a copy of this resolution.

CHAPTER VIII.

Assembly Joint Resolution No. 11, relative to proposed removal of United States Surveyor-General's office from California to Washington.

[Adopted February 14, 1887.]

Preamble.

WHEREAS, In the Executive, Legislative, and Judicial Appropriation Bill, now pending in Congress, there is a clause providing for the consolidation of all the offices of United States Surveyor-General in one central office at Washington, under the control of the Commissioner of the Land Office, in the year eighteen hundred and eighty-eight, with a further provision that in the meanwhile the offices of United States Surveyor-General for the States of California and Nevada be consolidated in one office; and whereas, the removal of the office of the United States Surveyor-General's office for California from San Francisco to Washington would be most injurious to the agricultural development of California, and nearly fatal to its mining interests, and the proposed consolidation with the Nevada office would seriously impair the usefulness of the United States Surveyor-General for California; therefore, be it

Requesting Representatives in Congress to defeat bill removing United States Surveyor-General's office to Washington, D. C.

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested and our Senators be instructed to use all honorable means to defeat the said clauses of said bill; and be it further

Resolved, That the Governor be requested to immediately telegraph a copy of these resolutions to our Senators and Representatives at Washington.

CHAPTER IX.

Assembly Joint Resolution No. 5, relative to improving the bar at the mouth of Eel River.

[Adopted February 18, 1887.]

Preamble.

WHEREAS, It is an established fact in the minds of the people of the County of Humboldt, especially the southern portion, that their future prosperity depends to the greatest extent upon the successful navigation of Eel River; and whereas, it has been fully demonstrated that said river can

be navigated, but that the bar is in a condition not to meet the demands of the country; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use their best endeavors to secure an appropriation for the purpose of improving the bar at the mouth of said Eel River. Congress requested to secure an appropriation for improvement of Eel River.

That his Excellency the Governor forward a copy of this resolution to our Representatives in Congress.

CHAPTER X.

Assembly Joint Resolution No. 10.

[Adopted March 10, 1887.]

WHEREAS, Under the law of the land the mining industry Preamble. of our State is in imminent danger of being entirely suppressed; and whereas, the miners desire to submit to the mandates of the law and pursue their occupation under its sanction; and inasmuch as mining cannot be carried on without debris; and whereas, this industry has added materially to the wealth of this country, and is one upon which vast interests depend, and upon which the welfare, the homes, and fortunes of thousands of hard working people depend, and is now in *extremis mortis*; and whereas, it is impossible to continue that industry openly and legally without some legislation to protect it; and whereas, the miners as a class are at present unable to carry on their industry and works under the laws of the land; and whereas, immense sums of money have been paid the General Government in the purchase of mining land, and still greater sums invested in improving the same and in the construction of ditches, canals, and reservoirs to carry on such industry; and whereas, such vast expenditures have been made in good faith, and under the belief that the license to mine was presumed to exist by reason of the past course of the General Government toward the mining industry; and whereas, the product of the miners' toil has largely fallen off in California by reason of the operation of the law as announced by the Courts; and whereas, an increase of the bulk of our circulating medium is imperatively demanded by the great and growing commercial interests of the world, more especially in view of the fact that the aggregate annual output of the entire world is not more than sufficient to supply the demands for use in the arts alone; and whereas, it is the opinion of this body that some Congressional legislation and action is not only desirable, but absolutely necessary, and that the valley people as well as the miners desire to promote the industry of mining, provided it can be done without detriment or damage to the valleys and navigable streams of California; therefore, be it

Requesting Congressional Representatives to take steps to relieve mining industry from present status.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to take such steps as will, in their judgment, relieve the mining industry of California from its present status, with a view at all times to a proper recognition of the law and the interests of all, and to that end procure the passage of such laws as will provide, first, for an immediate and thorough investigation of this mining debris question by a Commission of competent Government engineers, for the purpose of ascertaining whether some plan can be devised whereby the present conflict between the mining and farming sections may be adjusted, and the mining industry rehabilitated; second, to the carrying out of such plans, in the event any suitable ones can be determined on; third, for a complete examination and survey of the injured river channels, with a view to their improvement and rectification; fourth, providing sufficient means to accomplish said purpose.

CHAPTER XI.

Senate Joint Resolution No. 2.

[Adopted March 12, 1887.]

Preamble.

WHEREAS, The National Educational Association is composed of the leading educators of the United States, and their presence on this coast in their annual meeting would tend to advance our educational, commercial, and other interests; therefore, be it

Extending invitation to National Educational Association to hold annual meeting for 1888 in California, etc.

Resolved by the Legislature of the State of California, That an invitation is hereby extended to said association to hold its annual meeting for eighteen hundred and eighty-eight in California.

Resolved, That, should some city in this State be selected as the place for holding said meeting, the State Printer is hereby authorized and directed to print the programmes, circulars of importance, and such other matters as may be deemed necessary by the State Board of Education to the success of the proposed meeting, and the educational interests of the State in that connection; *provided,* that the expenses of said printing shall not exceed one thousand dollars.

Forward copy to President of association.

Resolved, That a copy hereof be forwarded to the President of the National Educational Association.