

THE  
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

THIRTY-SECOND SESSION OF THE LEGISLATURE,

1897.

BEGAN ON MONDAY, JANUARY FOURTH, AND ENDED ON SATURDAY,  
MARCH TWENTIETH, EIGHTEEN HUNDRED AND NINETY-SEVEN.



SACRAMENTO :

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1897.



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267	An Act to amend Sections 3659, 3665, 3681, 3728, 3732, 3734, 3746, 3758, 3763, 3801, 3805, 3817, 3820, 3821, 3825, 3843, 3845, 3858, and 3897 of the Political Code; to add to said Code five new sections, to be numbered Sections 3737, 3739, 3776, 3777, and 3818, and to repeal Sections 3428 and 4083 of said Code; all of said sections relating to public lands and revenue and taxation. Approved April 1, 1897.....	S. B. 330.....	427
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269	An Act making an appropriation to pay the claim of Modoc County against the State of California. Approved April 1, 1897.....	A. B. 483.....	437
270	An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws. Approved April 1, 1897.....	A. B. 943.....	438
271	An Act to provide for the organization and management of county fire insurance companies. Approved April 1, 1897.....	A. B. 632.....	439

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
272	An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year. Approved April 1, 1897.....	A. B. 902....	443
273	An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses residing at Evergreen, in the County of Santa Clara, at the home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year. Approved April 1, 1897.....	S. B. 292....	447
274	An Act to assist the Woman's Relief Corps Home Association to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor. Approved April 1, 1897.....	S. B. 684....	447
275	An Act to amend Section 3495 of the Political Code, by adding a provision relative to adverse occupation. Approved April 1, 1897.....	S. B. 370....	450
276	An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds. Approved April 1, 1897.....	S. B. 700....	451
277	An Act to establish a uniform system of county and township governments. Approved April 1, 1897.....	S. B. 136....	452
278	An Act to provide for certain improvements at the Preston School of Industry, Ione, and to make an appropriation therefor. Approved April 1, 1897.....	Sub. S. B. 341, 342, 343, 564.	577

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

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2	Relative to a protective tariff on fruits. Adopted January 11, 1897.....	S. J. R. 1....	582
3	Relative to protection of beet sugar industry. Adopted January 13, 1897.....	S. J. R. 3....	582
4	Relative to joint convention for the election of State Library Trustees. Adopted January 20, 1897.....	S. C. R. 1....	583
5	Relative to Nicaragua canal. Adopted January 27, 1897.....	S. J. R. 9....	583
6	Relative to employing additional help to light and heat the capitol building. Adopted January 27, 1897.....	S. C. R. 2....	584
7	Relative to the fruit industry. Adopted February 2, 1897.....	S. J. R. 2....	584
8	Relative to dredging channel from San Pablo Bay to Mare Island. Adopted January 29, 1897.....	S. J. R. 5....	588

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9	Relating to foreign immigration and proper restriction thereof. Adopted January 29, 1897.....	S. J. R. 10 ..	589
10	Requesting Congress to impose a tariff on foreign fresh table grapes competing with the American product. Adopted February 2, 1897.....	S. J. R. 11.....	589
11	Relative to sending food to the famine-stricken people of India. Adopted February 15, 1897.....	S. J. R. 15.....	590
12	Relative to recalling bills from the Governor. Adopted March 2, 1897.....	S. C. R. 8.....	591
13	Relative to and advocating the passage of the California Mineral Lands Bill. Adopted March 4, 1897.....	A. J. R. 30.....	591
14	Relative to recalling Assembly Bill No. 419 and Assembly Bill No. 76. Adopted March 4, 1897.....	S. C. R. 9.....	591
15	Approving the charter of the City of San José, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the qualified voters of said city, at a special election held therein for that purpose, on the 23d day of February, 1897. Adopted March 5, 1897.....	S. C. R. 7.....	592
16	Resolution welcoming to the State of California the Societies of Christian Endeavor of the World, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July 7 to 12, 1897. Adopted March 11, 1897.....	A. C. R. 9.....	634
17	Relative to dispensing with joint rules 40, 43, and 49. Adopted March 12, 1897.....	A. C. R. 11.....	636
18	Relative to adjournment sine die. Adopted March 12, 1897....	A. C. R. 12.....	636
19	Directing the State Printer to print 30,000 copies of Assembly Concurrent Resolution No. 9, relative to welcome of Christian Endeavor International Convention, to be held in San Francisco, July, 1897, and for the distribution thereof. Adopted March 16, 1897.....	A. C. R. 10.....	637
20	Relating to the citrus fruit industry. Adopted March 16, 1897.	S. J. R. 16.....	638
21	Relative to consent of the Legislature to the absence of the Governor of the State, James H. Budd, from the State for a period not to exceed six months. Adopted March 18, 1897....	A. C. R. 13.....	639
22	Relative to continuing in employment certain capitol employes. Adopted March 19, 1897.....	S. C. R. 11.....	639
23	A resolution to propose to the people of the State of California an amendment to Section 18, of Article XI, of the Constitution, in relation to revenue and taxation. Adopted March 19, 1897.....	S. C. A. 41.....	640
24	Relative to the consideration of bills by the different houses of the Legislature. Adopted March 19, 1897.....	A. C. R. 14.....	641
25	A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 7½, Article XI thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government. Adopted March 20, 1897.....	S. C. A. 10.....	641
26	A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 5½, Article VI, thereby providing for the organization of a court, to be known as the Court of Claims. Adopted Mar. 20, 1897..	S. C. A. 44.....	643

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
27	Appointing a joint committee of the Senate and Assembly, to examine into and report upon the charges made by the Governor, relative to the management and conduct of the State Printer's office. Adopted March 20, 1897.....	A. C. R. 6...	644
28	To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding a new section thereto, to be known as Section No. 5½, relating to consolidated city and county governments. Adopted March 22, 1897.....	A. C. A. 37...	645
29	Proposition to amend Section 15 and Section 16 of Article V of the Constitution of the State of California. Adopted March 22, 1897.....	A. C. A. 36..	646
30	A resolution to propose to the people of the State of California an amendment to Section 6, Article IX, of the Constitution of the State of California, relating to grammar schools. Adopted March 22, 1897.....	A. C. A. 38..	647
31	Relative to instructing our Representatives in Congress toward securing an appropriation for improving navigation in state waterways, and providing for the disposition of debris. Adopted March 22, 1897.....	A. J. R. 33..	647
32	Relative to requesting an appropriation for dredging ship channel between San Francisco Bay and Antioch. Adopted March 22, 1897.....	A. J. R. 7..	648
33	Relative to the punishment of seamen for leaving a vessel before the expiration of the term of service agreed upon. Adopted March 22, 1897.....	A. J. R. 27..	649
34	A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution, in relation to sessions of the Legislature. Adopted March 22, 1897.....	A. C. A. 34..	649
35	A resolution recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention. Adopted March 22, 1897.....	S. C. R. 4...	650
36	Relative to returning to the Senate Senate Bill No. 136 for correction. Adopted March 22, 1897.....	S. C. R. 14...	652
37	Relative to relief of George Berger. Adopted March 22, 1897..	S. C. R. 13...	652



## LIST OF OFFICERS.

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

### STATE OFFICERS.

Name.	Official Position.	Residence.
James H. Budd .....	Governor .....	Stockton.
William T. Jeter .....	Lieutenant-Governor .....	Santa Cruz.
L. H. Brown .....	Secretary of State .....	San Francisco.
E. P. Colgan .....	Controller .....	Santa Rosa.
Levi P. Rackliffe .....	Treasurer .....	San Luis Obispo.
W. F. Fitzgerald .....	Attorney-General .....	San Francisco.
Martin J. Wright .....	Surveyor-General .....	Visalia.
Samuel T. Black .....	Superintendent of Public Instruction .....	Ventura.
A. J. Johnston .....	Superintendent of State Printing .....	Sacramento.
A. W. Barrett .....	Adjutant-General .....	Los Angeles.
E. D. McCabe .....	State Librarian .....	Merced.
Peter J. Shields .....	Private Secretary to Governor .....	Sacramento.

### STATE BOARD OF EQUALIZATION.

Name.	District.	Residence.
A. Chesebrough .....	First .....	San Francisco.
L. C. Morehouse .....	Second .....	San Leandro.
R. H. Beamer .....	Third .....	Woodland.
George L. Arnold .....	Fourth .....	Los Angeles.
E. P. Colgan .....	Ex officio .....	Santa Rosa.
Charles M. Cogan .....	Secretary .....	Sacramento.

### SUPREME COURT.

Name.	Official Position.	Residence.
W. H. Beatty .....	Chief Justice .....	San Francisco.
Jackson Temple .....	Associate Justice .....	Santa Rosa.
T. B. McFarland .....	Associate Justice .....	San Francisco.
Frédéric W. Henshaw .....	Associate Justice .....	Oakland.
W. C. Van Fleet .....	Associate Justice .....	San Francisco.
Ralph C. Harrison .....	Associate Justice .....	San Francisco.
C. H. Garoutte .....	Associate Justice .....	Woodland.
Trowbridge H. Ward .....	Clerk .....	Los Angeles.

## SENATORS.

Wm. T. JETER.....		President.	
District	Name.	County.	Post Office.
38	Androus, S. N. (R.).....	Los Angeles.....	Pomona.
6	Aram, Eugene (R.).....	Yolo, Yuba, Sutter.....	Woodland.
23	Beard, J. L. (R.).....	Alameda.....	Warm Springs.
20	Bert, Eugene F. (R.).....	San Francisco.....	401 California St.
35	Boyce, J. J. (R.).....	Santa Barbara, Ventura.....	Santa Barbara.
17	Braunhart, Samuel (D.).....	San Francisco.....	839 Mission St.
37	Bulla, R. N. (R.).....	Los Angeles.....	Los Angeles.
5	Chapman, E. W. (D.).....	El Dorado, Placer.....	Greenwood.
26	Denison, E. S. (R.).....	Alameda.....	Oakland.
11	Dickinson, J. H. (R.).....	Marin, Contra Costa.....	Sausalito.
13	Doty, Gillis (D.).....	Sacramento.....	Elk Grove.
19	Dwyer, Lawrence J. (D.).....	San Francisco.....	1320 Utah St.
25	Feeney, John (D.).....	San Francisco.....	1127 Vallejo St.
33	Flint, Thomas, Jr. (R.).....	San Benito, Monterey.....	San Juan.
30	Franck, F. C. (R.).....	Santa Clara.....	Santa Clara.
1	Gillette, J. N. (R.).....	Humboldt, Del Norte.....	Eureka.
2	Gleaves, J. M. (R.).....	Shasta, Siskiyou, Trinity, Modoc, Lassen.....	Redding.
23	Hall, Sidney (D.).....	San Francisco.....	11 Washington Ave.
22	Henderson, P. L. (D.).....	San Francisco.....	823 Point Lobos Ave.
10	Holloway, J. C. (R.).....	Sonoma.....	Cloverdale.
39	Jones, T. J. (R.).....	Orange, San Bernardino, River- side.....	Anaheim.
15	Langford, B. F. (D.).....	San Joaquin.....	Acampo.
7	LaRue, C. L. (D.).....	Napa, Lake.....	Yountville.
32	Linder, R. (R.).....	Tulare, Inyo, Kings.....	Tulare.
9	Luchsinger, J. J. (R.).....	Solano.....	Vallejo.
31	Mahoney, J. H. (R.).....	San Francisco.....	Baldwin Hotel.
24	Morehouse, H. V. (R.).....	Santa Clara.....	San José.
16	Pedlar, A. J. (R.).....	Fresno, Madera.....	Fresno.
3	Prisk, W. F. (D.).....	Nevada, Plumas, Sierra.....	Grass Valley.
8	Seawell, J. H. (D.).....	Mendocino, Colusa, Glenn.....	Ukiah.
12	Shine, J. H. (R.).....	Tuolumne, Stanislaus, Merced, Mariposa.....	Sonora.
4	Shippee, W. A. (R.).....	Butte, Tehama.....	Avon.
36	Simpson, C. M. (R.).....	Los Angeles.....	Pasadena.
34	Smith, S. C. (R.).....	Kern, San Luis Obispo.....	Bakersfield.
27	Stratton, F. S. (R.).....	Alameda.....	Oakland.
18	Toner, Hugh (D.).....	San Francisco.....	818 Third St.
29	Trout, D. H. (R.).....	Santa Cruz, San Mateo.....	Boulder Creek.
14	Voorheis, E. C. (R.).....	Amador, Calaveras, Alpine, Mono.....	Sutter Creek.
40	Withington, D. L. (R.).....	San Diego.....	San Diego.
21	Wolfe, Edward I. (R.).....	San Francisco.....	621 Broderick St.

## OFFICERS OF THE SENATE.

Name.	Official Position.
Wm. T. Jeter, of Santa Cruz.....	President.
Thomas Flint, Jr., of San Juan.....	President pro tem.
F. J. Brandon, of San José.....	Secretary.
G. W. McIntyre, of Salinas.....	Assistant Secretary.
D. E. McKinlay, of Santa Rosa.....	Assistant Secretary.
A. D. Bowen, of Los Angeles.....	Assistant Secretary.
Leslie F. Blackburn, of Oakland.....	Sergeant-at-Arms.
M. W. Coffey, of San Francisco.....	Assistant-Sergeant-at-Arms.
John L. Childs, of Crescent City.....	Minute Clerk.
Theo. A. Simpson, of Pasadena.....	Journal Clerk.
C. R. Mayhew, of Red Bluff.....	Engrossing Clerk.
J. M. Gleaves, Jr., of Redding.....	Enrolling Clerk.
Miss Edna Cowan, of Los Angeles.....	Postmistress.
Miss I. Erzgraber, of San Francisco.....	Assistant Postmistress.
Rev. C. L. Miel, of Sacramento.....	Chaplain.

## ASSEMBLYMEN.

F. L. COOMBS ..... Speaker.

District	Name.	County.	Post Office.
53	Aldridge, Frank (D. P.)	Santa Cruz	Corralitos.
29	Allen, John (F., C. N. P.)	San Francisco	771 Howard St.
19	Anderson, Alden (R.)	Solano	Suisun.
56	Arnerich, M. E. (R.)	Santa Clara	Frohm.
26	Austin, Charles W. (R.)	San Joaquin	Farmington.
24	Belshaw, C. M. (R.)	Contra Costa	Antioch.
40	Bettman, Sigmund M. (R.)	San Francisco	1355 Post St.
65	Boone, W. P. (D.)	Tulare	Dinuba.
49	Breiling, Oscar F. (R.)	Alameda	Oakland.
10	Bridgford, Eugene A. (D., P. P.)	Colusa, Glenn, Lake	Colusa.
67	Burnett, J. K. (F.)	San Luis Obispo	Paso Robles.
14	Burnham, G. H. (R.)	El Dorado	Placerville.
15	Caminetti, A. (D., P. P.)	Amador	Jackson.
23	Canavan, M. (R.)	Marin	San Rafael.
62	Cartwright, Geo. W. (F.)	Fresno	Malaga.
76	Chynoweth, H. W. (R.)	Orange	Anaheim.
46	Clarke, J. W. (R.)	Alameda	Niles.
18	Coombs, F. L. (R.)	Napa	Napa.
75	Cross, John (R.)	Los Angeles	Los Angeles.
8	Cutter, W. M. (R.)	Yuba, Sutter	Marysville.
3	Damon, E. D. (R.)	Humboldt	Port Kenyon.
43	Dennery, Leon (R.)	San Francisco	206 Post St.
41	Dibble, Henry C. (R.)	San Francisco	1312 Vallejo St.
35	Dolan, Lawrence J. (F.)	San Francisco	3313 Mission St.
80	Dryden, J. L. (F.)	San Diego	National City.
57	Elliott, John G. (F.)	Stanislaus, Merced	Merced.
68	Emmons, E. J. (F.)	Kern	Bakersfield.
21	Ennis, Scott F. (R.)	Sacramento	Sacramento.
27	Fontana, C. D. (R.)	Calaveras	Copperopolis.
25	Foreman, A. L. (D., P. P.)	San Joaquin	Stockton.
45	Gately, William H. (F.)	San Francisco	17 Vallejo St.
33	Godfrey, George B. (D.)	San Francisco	1410 Seventh Ave.
78	Goff, T. H. (R.)	San Bernardino	San Bernardino.
52	Goodhue, S. G. (R.)	San Mateo	San Mateo.
79	Guy, W. R. (R.)	San Diego	San Diego.
68	Harris, L. (R.)	Santa Barbara	Los Alamos.
42	Henry, Lorenzo A. (R.)	San Francisco	1203 Taylor St.
2	Hill, A. W. (R.)	Humboldt	Eureka.
4	Houghton, Frank (D.)	Tehama, Trinity	Corning.
61	Hudson, W. G. (R.)	Monterey	Watsonville.
39	Jones, Leon E. (R.)	San Francisco	3549 Seventeenth St.
17	Keables, Thomas A. (F.)	Mono, Alpine, Inyo	Bodie.
16	Keegan, John W. (D., P. P.)	Sonoma	Santa Rosa.
30	Kelly, H. M. (R.)	San Francisco	247 Seventh St.
55	Kelsey, John D. (R.)	Santa Clara	San José.
72	Kenyon, Brewster C. (R.)	Los Angeles	Long Beach.
28	Lacy, E. F. (D., P. P.)	San Francisco	8 Verona Place.
22	Landsborough, L. M. (F.)	Sacramento	Florin.
48	Leavitt, F. W. (R.)	Alameda	Oakland.
77	Lindenberger, F. T. (R.)	Riverside	Winchester.
34	Mahoney, Frank (D.)	San Francisco	24 Dearborn Place.
54	Malcolm, N. E. (R.)	Santa Clara	Palo Alto.
73	Mead, William (F.)	Los Angeles	Los Angeles.
70	Melick, W. S. (R.)	Los Angeles	Lancaster.
63	Moultrie, L. W. (F.)	Fresno, Madera	Fresno.
37	Mulcrevy, Harry I. (F.)	San Francisco	920 Page St.
58	McCandlish, T. G. (D.)	Mariposa, Tuolumne	Coulterville.
64	McClellan, J. M. (P.)	Tulare, Kings	Hanford.
36	McGrath, Henry (F.)	San Francisco	310 Day St.
50	North, H. H. (R.)	Alameda	Oakland.
11	North, A. W. (R.)	Yolo	Winters.
38	Pohlmann, Gustave (R.)	San Francisco	3 Seymour Ave.
13	Power, H. T. (R.)	Placer	Auburn.
32	Power, John W. (F., C. N. P.)	San Francisco	327 Bryant St.
16	Price, W. F. (R.)	Sonoma	Forestville.
12	Robinson, W. S. (R.)	Nevada	Grass Valley.

## ASSEMBLYMEN—Continued.

Dis.	Name.	County.	Post Office.
59	Rubell, C. F. (D.)	San Benito	Bitterwater.
44	Ryan, Edward S. (D.)	San Francisco	10 Montgomery Ave.
9	Sanford, J. B. (D.)	Mendocino	Point Arena.
20	Sims, W. M. (R.)	Sacramento	Sacramento.
5	Shanahan, T. W. H. (F.)	Shasta, Modoc	Anderson.
6	Soward, F. D. (R.)	Sierra, Lassen, Plumas	Downieville.
7	Stansell, F. R. (R.)	Butte	Nelson.
1	Strain, W. (R.)	Del Norte, Siskiyou	Crescent City.
69	Toland, Thomas O. (F.)	Ventura	Ventura.
31	Treacy, T. E. (D., P. P.)	San Francisco	405 Eighth St.
74	Valentine, L. H. (R.)	Los Angeles	Los Angeles.
71	Vosburg, J. O. (R.)	Los Angeles	Lamanda Park.
47	Waymire, J. A. (R.)	Alameda	Alameda.
51	Wright, H. E. (R.)	Alameda	Berkeley.

## OFFICERS OF THE ASSEMBLY.

Name.	Official Position.
Frank L. Coombs, of Napa	Speaker.
Brewster C. Kenyon, of Long Beach	Speaker pro tem.
S. J. Duckworth, of Monterey	Chief Clerk.
W. G. Hawkett, of Oakland	Assistant Clerk.
Clark Alberti, of San Diego	Assistant Clerk.
William O. Banks, of San Francisco	Sergeant-at Arms.
W. N. Lamphrey, of Sacramento	Assistant Sergeant-at-Arms.
R. Q. Wickham, of Santa Ana	Minute Clerk.
E. S. Gridley, of Napa	Journal Clerk.
John Varcoe, of San José	Enrolling Clerk.
Frank Barnett, of Oakland	Engrossing Clerk.
Miss Lizzie M. Baxter, of Towles	Postmistress.
Miss N. Patton, of Eureka	Assistant Postmistress.
Rev. Charles F. Oehler, of Sacramento	Chaplain.

## COMMISSIONERS OF DEEDS.

Name.	Residence.	Term Expires.
<b>Connecticut.</b>		
Livingston W. Cleveland .....	New Haven.....	Aug. 2, 1899
<b>District of Columbia.</b>		
Charles S. Bundy .....	Washington .....	July 30, 1898
R. H. Evans .....	Washington .....	May 24, 1899
John E. Mitchell .....	Washington .....	July 21, 1900
<b>Georgia.</b>		
William B. Adams.....	Savannah.....	Oct. 16, 1898
<b>Illinois.</b>		
Philip A. Hoyne.....	Chicago.....	June 27, 1897
Simeon W. King.....	Chicago.....	April 9, 1898
Mark A. Foote.....	Chicago.....	Nov. 27, 1898
Silas S. Willard.....	Chicago.....	Dec. 3, 1898
Wert E. Humphrey.....	Chicago.....	May 31, 1899
<b>Louisiana.</b>		
John G. Eustis.....	New Orleans.....	Sept. 19, 1898
<b>Maryland.</b>		
G. Evett Reardon.....	Baltimore .....	July 20, 1898
J. Kemp Bartlett, Jr.....	Baltimore .....	July 21, 1898
Abraham H. Fisher.....	Baltimore .....	May 27, 1900
George McCaffray.....	Baltimore .....	Nov. 2, 1900
<b>Massachusetts.</b>		
Henry M. Meek.....	Salem.....	Aug. 3, 1897
Freeman M. Josselyn.....	Boston.....	Jan. 15, 1898
Samuel Jennison.....	Boston.....	Feb. 14, 1898
Frank D. Butrick.....	Boston.....	May 15, 1898
Joseph B. Braman.....	Boston.....	May 31, 1898
Ella F. Braman.....	Boston.....	June 7, 1898
Charles Hall Adams.....	Boston.....	Jan. 14, 1899
Edward J. Jones.....	Boston.....	Jan. 16, 1900
Arthur R. Torrey.....	Boston.....	July 9, 1900
<b>Minnesota.</b>		
Albert F. Sweetser.....	Minneapolis.....	Nov. 15, 1899
<b>Missouri.</b>		
John A. Peck.....	St. Louis.....	Feb. 17, 1898
Charles D. Green, Jr.....	St. Louis.....	Oct. 19, 1898
<b>New York.</b>		
Vincent Rosemon.....	New York City.....	July 10, 1897
Rufus K. McHary.....	New York City.....	July 24, 1897
Wm. F. Lett.....	New York City.....	Aug. 1, 1897
Edwin F. Corey.....	New York City.....	Oct. 31, 1897
F. A. Burnham.....	New York City.....	Dec. 21, 1897
Charles Taylor.....	New York City.....	Feb. 24, 1898
Joseph C. Braman.....	New York City.....	May 16, 1898
John A. Hillery.....	New York City.....	May 21, 1898
Samuel D. Folsom.....	New York City.....	May 28, 1898
W. H. Humphrey.....	Brooklyn.....	Nov. 13, 1898
Julius Krause.....	New York City.....	Nov. 19, 1898
Joseph B. Braman.....	New York City.....	Mar. 8, 1899

Name.	Residence.	Term Expires.
<b>New York—Continued.</b>		
Thomas B. Clifford .....	New York City .....	April 26, 1899
Charles Henry Phelps .....	New York City .....	July 12, 1899
Alfred Mackay .....	New York City .....	Aug. 1, 1899
William H. Clarkson .....	New York City .....	Aug. 20, 1899
James A. Carter .....	New York City .....	Sept. 25, 1899
George H. Corey .....	New York City .....	Oct. 28, 1899
Eleazer Jackson .....	New York City .....	Nov. 29, 1899
Charles Edgar Mills .....	New York City .....	Dec. 6, 1899
George E. Miles .....	Brooklyn .....	Mar. 12, 1900
C. L. Wiebe .....	Brooklyn .....	May 1, 1900
Ella F. Braman .....	New York City .....	Oct. 1, 1900
William Johnson .....	Buffalo .....	Oct. 26, 1900
William Shillaber .....	New York City .....	Jan. 11, 1901
Thomas Kilvert .....	New York City .....	Jan. 20, 1901
John Turnbull .....	Brooklyn .....	Mar. 17, 1901
S. B. Goodale .....	New York City .....	Mar. 18, 1901
<b>Ohio.</b>		
Joseph T. Harrison .....	Cincinnati .....	Feb. 15, 1898
<b>Oregon.</b>		
C. L. Parrish .....	Klamath Falls .....	June 27, 1897
Eugene D. White .....	Portland .....	Aug. 16, 1898
B. L. Eddy .....	Portland .....	Feb. 11, 1899
C. J. Curtis .....	Astoria .....	May 1, 1900
<b>Pennsylvania.</b>		
George W. Hunt .....	Philadelphia .....	Feb. 28, 1898
Samuel L. Taylor .....	Philadelphia .....	Mar. 22, 1898
Arthur Brossman .....	Philadelphia .....	Dec. 26, 1898
Kinley J. Tener .....	Philadelphia .....	April 15, 1899
Thomas J. Hunt .....	Philadelphia .....	Dec. 4, 1899
William F. Robb .....	Pittsburg .....	Oct. 1, 1900
Edward H. Cloud .....	Philadelphia .....	Oct. 15, 1900
<b>Rhode Island.</b>		
Gilman E. Jopp .....	Providence .....	Nov. 5, 1899
<b>South Carolina.</b>		
W. M. Fitch .....	Charleston .....	Sept. 21, 1897
<b>Washington.</b>		
Samuel S. Carlisle .....	Seattle .....	April 30, 1901
<b>England.</b>		
I. H. Grain .....	London .....	Dec. 4, 1898
Sydney H. Pedler .....	London .....	Aug. 1, 1899
W. A. Nygh .....	London .....	Mar. 12, 1900
J. Addison Smith .....	London .....	Sept. 18, 1900
<b>Ireland.</b>		
Michael Timmins O'Connor .....	Killarney .....	Jan. 28, 1900
<b>Scotland.</b>		
James Gordon Mason .....	Edinburgh .....	Mar. 20, 1899
<b>Mexico.</b>		
Wm. J. De Gress .....	City of Mexico .....	Feb. 2, 1901
<b>Hawaii.</b>		
John H. Paty .....	Honolulu .....	Sept. 26, 1898
J. M. Monsarrat .....	Honolulu .....	Feb. 21, 1899
A. V. Gear .....	Honolulu .....	Dec 30, 1899

# CONSTITUTION OF THE STATE OF CALIFORNIA.

## 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 punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

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

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

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

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for

the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

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

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

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations 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 all property, other than real estate, as native-born citizens; *provided*, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; *and provided further*, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [Amendment adopted November 6, 1894.]

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 person 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 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, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [Amendment adopted November 6, 1894.]

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 in 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 or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [Amendment adopted November 3, 1896.]

## 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 contains 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 passes 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, prevent such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriations 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 for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

SEC. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reënacted 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 plots, 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, township, 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 vote 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 subject 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 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 or 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 herein-after 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 time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this Constitution.

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

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

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

filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

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

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the 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 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 Courts 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, who 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 for 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 a 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, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, 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 6, 1894.]

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

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

## ARTICLE X.

### STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

SEC. 2. The board of directors shall have the charge and superintendence of the state prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The board shall appoint the warden and clerk, and determine the other

necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employés of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

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

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

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

## ARTICLE XI.

### COUNTIES, CITIES, 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. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that 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. [Amendment adopted November 6, 1894.]

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 and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws. [Amendment adopted November 3, 1896.]

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 prohibited to cities, shall be applicable to such consolidated government. [Amendment adopted November 6, 1894.]

SEC. 8. Any city containing a population of more than three thousand five hundred 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 to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city for at least twenty days, and

the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; 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. Such approval may be made by concurrent resolution, 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 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, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the 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 forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, 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 amendments 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. [Amendment adopted November 8, 1892.]

Sec. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [Amendment adopted November 3, 1896.]

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

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

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

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

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

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

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

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, 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 provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. [Amendment adopted November 8, 1892.]

SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [Amendment adopted November 4, 1894.]

## 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 corporators 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 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 property used for free public libraries and free museums, 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. [Amendment adopted November 6, 1894.]

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 debt 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 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. 12½. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article



shall be construed as subjecting such trees and grapevines to taxation. [Amendment adopted November 6, 1894.]

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 waters 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 of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes 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 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 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 mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

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

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

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power

to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

## ARTICLE XX.

## MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE XXI.

## BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

## ARTICLE XXII.

## SCHEDULE.

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

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

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

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

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

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

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the inspectors of 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 board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said board shall immediately certify the same, in the usual form, to the Governor of the State of California.

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

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

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

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

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,  
 JAMES J. AYRES,  
 CLITUS BARBOUR,  
 EDWARD BARRY,  
 JAMES N. BARTON,  
 C. J. BEERSTECHER,  
 ISAAC S. BELCHER,  
 PETER BELL,  
 MARION BIGGS,  
 E. T. BLACKMER,  
 JOSEPH C. BROWN,  
 SAM'L B. BURT,  
 JOSIAH BOUCHER,  
 JAMES CAPLES,  
 AUG. H. CHAPMAN,  
 J. M. CHARLES,  
 JOHN D. CONDON,  
 C. W. CROSS,  
 HAMLET DAVIS,  
 JAS. E. DEAN,  
 P. T. DOWLING,  
 LUKE D. DOYLE,  
 W. L. DUDLEY,  
 JONATHAN M. DUDLEY,  
 PRESLEY DUNLAP,

JOHN EAGON,  
 THOMAS H. ESTEY,  
 HENRY EDGERTON,  
 M. M. ESTEE,  
 EDWARD EVEY,  
 J. A. FILCHER,  
 SIMON J. FARRELL,  
 ABRAHAM C. FREEMAN,  
 JACOB R. 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. HEISKELI,  
 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. P. 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. KENNEY,  
 C. R. KLEINE,  
 T. H. LAINE,  
 HENRY LARKIN,  
 R. M. LAMPSON,  
 R. LAVIGNE,  
 H. M. LA RUE,  
 DAVID LEWIS,  
 J. F. LINDOW,  
 JNO. MANSFIELD,  
 EDWARD MARTIN,  
 J. WEST MARTIN,  
 RUSH MCOMAS,

JOHN G. McCALLUM,  
 THOMAS McCONNELL,  
 JOHN McCOY,  
 THOS. B. McFARLAND,  
 HIRAM MILLS,  
 WM. S. MOFFATT,  
 JOHN F. McNUTT,  
 W. W. MORELAND,  
 L. D. MORSE,  
 JAMES E. MURPHY,  
 EDMUND NASON,  
 THORWALD K. NELSON,  
 HENRY NEUNABER,  
 CHS. C. O'DONNELL,  
 GEORGE OHLEYER,  
 JAMES O'SULLIVAN,  
 JAMES M. PORTER,  
 WILLIAM H. PROUTY,  
 M. R. C. PULLIAM,  
 CHAS. F. REED,  
 PATRICK REDDY,

JOHN M. RHODES,  
 JAS. S. REYNOLDS,  
 HORACE C. ROLFE,  
 CHAS. S. RINGGOLD,  
 JAMES McM. SHAFER,  
 GEO. W. SCHELL,  
 J. SCHOMP,  
 RUFUS SHOEMAKER,  
 E. O. SMITH,  
 BENJ. SHURTLEFF,  
 GEO. VENABLE SMITH,  
 H. W. SMITH,  
 JOHN C. STEDMAN,  
 E. P. SOULE,  
 D. C. STEVENSON,  
 GEO. STEELE,  
 CHAS. V. STUART,  
 W. J. SWEASEY,  
 CHARLES SWENSON,  
 R. S. SWING,  
 D. S. TERRY,

S. B. THOMPSON,  
 F. O. TOWNSEND,  
 W. J. TINNIN,  
 DANIEL TUTTLE,  
 P. B. TULLY,  
 H. K. TURNER,  
 A. P. VACQUEREL,  
 WALTER VAN DYKE,  
 WM. VAN VOORHIES,  
 HUGH WALKER,  
 JOHN WALKER,  
 BYRON WATERS,  
 JOSEPH R. WELLER,  
 J. V. WEBSTER,  
 JOHN P. WEST,  
 PATRICK M. WELLIN,  
 JOHN T. WICKES,  
 WM. F. WHITE,  
 H. C. WILSON,  
 JOS. W. WINANS,  
 N. G. WYATT.

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STATUTES OF CALIFORNIA.

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1897.

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# STATUTES OF CALIFORNIA

PASSED AT THE

## THIRTY-SECOND SESSION OF THE LEGISLATURE.

### CHAPTER I.

*An Act to amend section five hundred and twenty-nine of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to public printing.*

[Approved January 13, 1897.]

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

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

529. Printing must be done as follows: The laws, journals, messages, and other documents in book form, must be printed solid, with long primer type, on good white paper; each page, except of the laws, must be thirty-three ems wide and fifty-eight ems long, including title, blank line under it, and foot line; of the laws the same length, and twenty-nine ems wide, exclusive of marginal notes, which notes must be printed in nonpareil type, seven ems wide. Figure work, and rule and figure work, in messages, reports, and other documents in book form, must be on pages corresponding in size with the journals, if it can be brought in by using type not smaller than minion; if not, it must be executed in a form to fold and bind with the volume. Blanks must be printed in such form, and on such paper, and with such sized type as the officers ordering them may direct. The laws must be printed without chapter headings, and without blank lines, with the exception of one head line, one foot line, two lines between the last section of an Act and the title of the next Act. When there is not space enough between the last section of an Act to print the title and enacting clause, and one line of the following Act, upon the same page, such title may be printed upon the following page. The journals must be printed without blank lines, with the exception of one head line, one foot line, and two lines between the journal of one day and that of the following day. In printing the words ayes and noes, the word "ayes" and the word "noes" must be run in with the names.

Printing,  
how done.

Blanks.

Printing  
the laws.

Journals.

SEC. 2. This Act shall take effect immediately.

## CHAPTER II.

*An Act to amend section twenty-nine of an Act entitled "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, relating to redemption of property sold for non-payment of assessments.*

[Approved January 27, 1897.]

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

SECTION 1. Section twenty-nine of an Act entitled "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," is hereby amended to read as follows:

Section 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; *provided*, that all lands heretofore sold at delinquent tax sale under any of the provisions of this Act or the Acts supplementary thereto or amendatory thereof, where deeds have not been made and delivered, may be redeemed at any time within six months from the passage hereof. 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 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, and 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 the time herein provided, 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.

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

## CHAPTER III.

*An Act for the appointment of a commissioner to represent the State of California at the Central American exhibition to be held in the City of Guatemala, on March 15, 1897, and to prescribe his powers and duties; and to authorize the appointment of a clerk; and to provide for the expenses of said commissioner, and the compensation of said clerk, and for certain expenses of the California exhibit at said exhibition, and to appropriate money therefor.*

[Approved February 9, 1897.]

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

SECTION 1. The office of commissioner to represent the State of California at the Central American exhibition, to be held in the City of Guatemala, in the Republic of Guatemala, on March fifteenth, eighteen hundred and ninety-seven, and thereafter, is hereby created and established for the purpose of superintending the transportation, installation, decoration, and maintenance of exhibits from the State of California at said exhibition. The term of office of said commissioner shall be eight months from the date of his appointment. Said commissioner shall be appointed by the Governor within ten days from the passage of this Act. In case of a vacancy by death, resignation, removal, or otherwise, a successor to fill the vacancy for the unexpired term shall be appointed in like manner. The Secretary of State shall, immediately after the passage of this Act and the appointment of such commissioner, notify the appointee thereof, and issue to the appointee a commission, under the great seal of this State, notifying him of the passage of this Act, and of his appointment by the Governor.

Commissioner to the Guatemala exhibition.

Tenure of office.

Secretary of State to notify.

SEC. 2. It shall be the duty of said commissioner to superintend and provide for the transportation, installation, decoration, and maintenance of exhibits sent from any part of the State of California, and to arrange at said exhibition the display of said exhibits in the American building, and as far as practical as one collection, and so as to make the display distinctively typical of California products. Said commissioner shall select and appoint a clerk to hold office during the pleasure of said commissioner, and said clerk shall act under the supervision of said commissioner. Said commissioner shall serve without compensation from the State.

Duty of commissioner.

Clerk.

SEC. 3. The clerk of said commissioner shall receive for his services from the State the sum of fifty dollars per month. The commissioner is authorized to expend for the traveling expenses of himself and the clerk, and for the transportation to and from the City of San Francisco and the City of Guatemala, and the installation, decoration, and maintenance of said exhibits, such sums as he may deem necessary, but not to

Salary of clerk.

exceed, with the sums allowed by this Act for said salary, the total sum of ten thousand dollars. The expenses incurred by said commissioner, exclusive of said salary, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be made by said commissioner upon the State Controller, accompanied by the sworn certificate of said commissioner that the services have been performed, and the material used or the things furnished, or expenses incurred, and that said sums are justly due.

Expenses  
to be  
itemized.

SEC. 4. The State Controller is hereby directed to draw his warrant on the State Treasurer for the payment of said salary when due and payable, as herein provided, and also for such sums as are covered by said requisitions, and said Treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

Duty of  
Controller  
and  
Treasurer.

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

#### CHAPTER IV.

*An Act to amend section two thousand one hundred and eighty-one of the Civil Code of California, relating to luggage.*

[Approved February 9, 1897.]

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

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

Luggage  
defined.

2181. Luggage may consist of whatever the passenger takes with him for his personal use and convenience, according to the habits or wants of the particular class to which he belongs, either with reference to the immediate necessities, or to the ultimate purpose of the journey. No crate, cover, or other protection shall be required for any bicycle carried as luggage, but no passenger shall be entitled to carry as luggage more than one bicycle.

Bicycles.

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

## CHAPTER V.

*An Act to provide for the management and operation of railroads above certain elevations.*

[Approved February 9, 1897.]

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

SECTION 1. All railroads operated in this State whose lines of road are wholly constructed at an elevation of five thousand feet, or more, above the level of the sea, shall only be required to maintain and operate their roads, or to run passenger or freight cars thereon, between the fifteenth day of May and the fifteenth day of October in each year.

Operation of railroads above certain elevations.

## CHAPTER VI.

*An Act making an appropriation to pay the expenses of electors of President and Vice-President of the United States of America.*

[Approved February 9, 1897.]

*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 moneys in the treasury not otherwise appropriated, to pay the per diem and mileage of electors of President and Vice-President of the United States of America of eighteen hundred and ninety-seven.

Appropriation for Electoral College expenses.

SEC. 2. This Act shall take effect immediately.

## CHAPTER VII.

*An Act to require an inventory of state and county property, and directing that a record of the same be kept.*

[Approved February 9, 1897.]

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

SECTION 1. It shall be the duty of all state officers, boards, and commissions of every kind, having in charge property belonging to the State, to make an inventory thereof within ninety days from and after the passage of this Act, and also on or before the thirty-first day of December, eighteen hundred

State officers to make inventory of state property.

and ninety-eight, and biennially thereafter, of all property purchased with state money, and in their keeping. The report of said inventory shall, under oath, be made to the State Board of Examiners, and said inventory shall be recorded by said Board of Examiners in a book prepared for the purpose.

County officers to make inventory of county property.

SEC. 2. It shall be the duty of all county officers, including supervisors, superintendents of poor farms, hospitals, orphanages, or almshouses, to make, on or before the first day of July, eighteen hundred and ninety-seven, also on or before the thirty-first day of December, eighteen hundred and ninety-eight, and annually thereafter, an inventory showing in detail all county property in their possession or under their charge. In case of county officers and employes, said inventory shall show the sources from which said property was derived, and if possible the cost of each item. Each officer referred to in this section shall, under oath, file his respective inventory with the County Clerk at the times and dates mentioned in this section, and all said inventories shall be kept of record by the County Clerk.

Incoming officers to receipt.

SEC. 3. All outgoing officers, boards, commissions, and employes mentioned in sections one and two of this Act, shall deliver to their successors in office an inventory of all state or county property in their possession, and the incoming officers shall receipt for the same.

SEC. 4. This Act shall take effect immediately.

## CHAPTER VIII.

*An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.*

[Approved February 16, 1897.]

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

Employment of convicts to make roads.

SECTION 1. The State Prison Directors of the State of California are hereby authorized and directed, during the four years next succeeding the passage of this Act, to employ at least twenty prisoners daily, during fair weather, in the construction and repair of such public roads as have been, or shall hereafter be, laid out or opened by the Board of Supervisors of Marin County, and which extend from the San Quentin State Prison, or the grounds surrounding the same, to Point Tiburon and all railroad stations in Marin County which lie in the neighborhood of the said state prison.

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

## CHAPTER IX.

*An Act to increase the number of Judges of the Superior Court of the County of Santa Clara, and to provide for the appointment of an additional judge.*

[Approved February 16, 1897.]

*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 Santa Clara is hereby increased from two to three. Additional Judge in Santa Clara County.

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 Santa Clara, State of California, who shall hold office until the first Monday after the first day of January, Anno Domini eighteen hundred and ninety-nine. At the next general election a Judge of the Superior Court of the said county shall be elected in said county, who shall be the successor of the judge appointed hereunder, 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 the salary of the other Judges of the Superior Court of the said county, now authorized by law. Salary.

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

## CHAPTER X.

*An Act to amend section one thousand four hundred and sixty-nine of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of one thousand five hundred dollars.*

[Approved February 16, 1897.]

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

SECTION 1. Section one thousand four hundred sixty-nine of the Code of Civil Procedure of California is hereby amended to read as follows:

1469. If, upon the return of the inventory of the estate of a deceased person, it shall appear therefrom that the value of the whole estate does not exceed the sum of fifteen hundred dollars, and if there be a widow or minor children of the deceased, the court, or a judge thereof, shall, by order, require Support of families of deceased persons.

When  
value of  
estate does  
not exceed  
\$1,500.

all persons interested to appear on a day fixed, to show cause why the whole of said estate should not be assigned for the use and support of the family of the deceased. Notice thereof shall be given and proceedings had in the same manner as provided in sections one thousand six hundred and thirty-three, one thousand six hundred and thirty-five, and one thousand six hundred and thirty-eight of this Code. If, upon the hearing, the court finds that the value of the estate does not exceed the sum of fifteen hundred dollars, it shall, by a decree for that purpose, assign to the widow of the deceased, if there be a widow, if no widow, then to the minor children of the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens, or incumbrances there may be upon said estate at the time of the death of the deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall rest absolutely in such widow or minor children, subject to whatever mortgages, liens, or incumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate be discovered.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XI.

*An Act to amend section one hundred and five of the Code of Civil Procedure of the State of California, relating to the powers of Justices of the Peace to call in other Justices of the Peace to act in their place and stead.*

[Approved February 16, 1897.]

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

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

Justice of  
the Peace  
may call  
another  
Justice  
to act.

105. A Justice of the Peace of any township, or city, or city and county may hold the court of any other Justice of the Peace of any township, city and county, or city within the same county, at his written request, and while so acting shall be vested with all the powers of the justice for whom he so holds court. In which case the proper entry of the proceedings before the attending justice subscribed by him shall be made in the docket of the justice for whom he so holds the court; and the same shall be prima facie evidence of such proceedings, and form and become a part of the record of any, or any part of any and all actions, causes, or proceedings had before such attending justice while so holding the court.



## CHAPTER XII.

*An Act to amend section three hundred and eighty-nine of the Code of Civil Procedure.*

[Approved February 16, 1897.]

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

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

389. The court may determine any controversy between parties before it, when it can be done without prejudice to the rights of others, or by saving their rights; but when a complete determination of the controversy cannot be had without the presence of other parties, the court must then order them to be brought in, and to that end may order amended and supplemental pleadings, or a cross-complaint to be filed, and summons thereon to be issued and served. And when, in an action for the recovery of real or personal property, a person, not a party to the action, but having an interest in the subject thereof, makes application to the court to be made a party, it may order him to be brought in, by the proper amendment.

Court  
may bring  
in other  
parties,  
when.

## CHAPTER XIII.

*An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.*

[Approved February 16, 1897.]

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

SECTION 1. Power is hereby conferred upon the Common Council or other governing body of municipal corporations of the first class to provide for the erection and construction in such municipal corporations, and at the expense of the same, of a building to be used for the purposes of a municipal hospital.

Governing  
body in  
corpora-  
tions of the  
first class  
may provide  
for  
erection of  
hospital.

SEC. 2. In the event that the Common Council or other governing body of any such municipal corporation shall deem it expedient, and in their judgment shall determine that the public good requires the construction of a building such as is provided for in section one of this Act, they are hereby authorized and empowered to express such judgment by resolution or order in such manner as they may deem proper, and for the purpose of raising the money necessary to construct and furnish such building, the said Common Council or other governing body

Cost to be raised by property tax.

of any such municipal corporation is hereby authorized and empowered to levy and collect, in the same manner and at the same time as other taxes are levied and collected in such for municipal purposes, an ad valorem property tax on real and personal property, which shall not in the aggregate exceed the sum of three hundred thousand dollars, which sum shall cover all the expense of constructing and furnishing said building; *provided*, that such tax must be levied in the forty-ninth fiscal year, and not otherwise.

Site.

SEC. 3. Such building may be constructed upon such site as the Common Council or other governing body of such municipal corporation may determine.

"Municipal Hospital Fund."

SEC. 4. The money raised from the tax hereby authorized to be levied and collected shall be kept by the treasurer of such municipal corporation in a fund to be known as the "municipal hospital fund," and out of said fund all claims for work, labor, and materials used in the construction and furnishing of such building, and all other expenses authorized to be incurred under the provisions of this Act, shall be paid. All claims against the said fund shall be allowed by the Common Council or other governing body of such municipal corporation by resolution entered upon the minutes in the same manner and form as other expenses are authorized, before the Auditor shall be authorized to audit the same; and in no case shall any portion of said fund be used and expended for any other purpose than such as is herein indicated, nor shall any part of the cost of construction and furnishing of such building be paid out of any other or different fund, nor shall any lien for work, labor, or material at any time attach to such building, or to the land on which the same is located, in any manner whatever.

Claims, how audited.

Bids for work must be advertised for.

SEC. 5. When work is to be done upon such building, or materials be furnished, it shall be the duty of the Common Council or other governing body of such municipal corporation to advertise for at least ten days in a daily newspaper published and circulated in such municipal corporation for sealed proposals for doing both said work and furnishing said materials. Said work shall be of the best quality. The advertisement shall contain a general description of the work to be done and of the materials to be furnished, the time within which the same is to be done or furnished, and may refer to plans and specifications for such other details as may be necessary to give a correct understanding regarding such work or materials. The advertisement shall also state the day, and an hour of said day, within which bids will be received. At the hour and day stated in the advertisement the said Common Council or other governing body shall proceed to open the bids in the presence of the bidders, and an abstract of which shall be recorded in the minutes of the clerk. A day and hour shall then be fixed for considering the bids and awarding the contract.

Advertisement to contain.

Abstract of bids to be published.

An abstract of said bids, showing the name of each bidder, the price at which work, labor, and materials are offered to be done or furnished by each, and such other things as may be necessary to show or explain the offer, shall be made by the

clerk of said Common Council or other governing body and published for five days in a daily newspaper of general circulation in such municipal corporation. At the expiration of five days after the first publication of the abstract, on the day and at the hour fixed by such Common Council or other governing body, the said Common Council or other governing body shall proceed to consider the several bids and award the contract for the work and supplying materials for which proposals were invited, and for none other, to the lowest bidder who shall furnish sufficient sureties to guarantee the performance of the contract; *provided*, that the advertisement hereinbefore provided for shall invite proposals and bids for the performance of all the work, and the furnishing of all the materials that may be required for the erection and completion of the entire building, and the contract herein provided for shall cover the erection and completion of the entire building, and the whole thereof shall be erected and completed and made ready for occupancy under and by a single contract. Said Common Council or other governing body shall have the right to reject any or all bids when in the judgment the public interests may be thereby promoted. Such contract shall be executed on behalf of such municipal corporation by the Mayor or President of the Common Council or other governing body of such municipal corporation. No change in the plans or specifications shall be made after proposals for doing the work and furnishing materials have been called for, nor shall any contractor be allowed a claim for work done or materials furnished not embraced in his contract. All contracts shall be in writing, and shall be carefully drawn by the City Attorney or other law officer of such municipal corporation, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the materials, and the time within which the same shall be completed, and such penalty for the non-performance of such work as such Common Council or other governing body may deem just and reasonable. All contracts shall be signed in triplicate, one copy of which, with the plans and specifications of the work to be done, shall be filed with the clerk or secretary of said Common Council or other governing body, and shall at all times, in the office hours, be open to the inspection of the public; one, with the plans and specifications, shall be kept in the office of said Common Council or other governing body, and the other copy, with the plans and specifications, shall be delivered to the contractor.

Advertisement shall provide for.

Council may reject bids.

Mayor to execute contract.

No change in plans and specifications.

Contracts, how drawn.

SEC. 6. The Common Council, or other governing body of such municipal corporation, may make payments on such contract from time to time as the work progresses, or the materials are furnished; but until the contract is completed, at no time shall the payments exceed seventy-five per cent of the value of the labor or materials furnished.

Payments.

SEC. 7. The plans and specifications herein referred to shall be secured by said Common Council or other governing body after the publication for ten days in a newspaper of general cir-

Plans and specifications.

ulation in such municipal corporation of a resolution inviting a submission of competitive plans and specifications of such buildings. Said resolution shall contain a general statement of the purpose for which such building is to be used, the cost thereof, and the character of the design required. Said plans and specifications may be submitted to such Common Council or other governing body under such requirements and conditions and at such times as such Common Council or other governing body may prescribe; *provided*, that such plans and specifications shall be submitted to the Board of Health of such municipal corporation for their approval, and shall not be adopted until approved by the Board of Health, or a committee thereof appointed for that purpose.

Board  
of Health.

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

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

#### CHAPTER XIV.

*An Act to regulate medical practice, to prevent blindness in infants.*

[Approved February 17, 1897.]

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

To prevent  
blindness  
in infants.

SECTION 1. Should one or both eyes of an infant become reddened or inflamed at any time within two weeks after birth, it shall be the duty of the midwife, nurse, or person having charge of said infant, to report the condition of the eyes at once to some legally qualified practitioner of medicine of the city, town, or district in which the parents of the infant reside.

Penalty.

SEC. 2. Any failure to comply with the provisions of this Act shall be punishable by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months, or both.

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

#### CHAPTER XV.

*An Act to prohibit the adulteration of honey, and to provide a punishment therefor.*

[Approved February 23, 1897.]

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

Manufacture  
of adulterated  
honey  
prohibited.

SECTION 1. No person shall, within this State, manufacture for sale, offer for sale, or sell any extracted honey which is adulterated by the admixture therewith of either refined or

commercial glucose, or any other substance or substances, article or articles which may in any manner affect the purity of the honey.

SEC. 2. Every person manufacturing, exposing, or offering for sale, or delivering to a purchaser any extracted honey, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and tender him the value of the same, a sample sufficient for the analysis of any such extracted honey which is in his possession. Sample for analysis.

SEC. 3. For the purposes of this Act, "extracted honey" is the transformed nectar of flowers, which nectar is gathered by the bee from natural sources, and is extracted from the comb after it has been stored by the bee. Extracted honey.

SEC. 4. Whoever violates any of the provisions of this Act is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than four hundred dollars, or imprisoned in the county jail not less than twenty-five days nor more than six months, or both such fine and imprisonment. And any person found guilty of manufacturing, offering for sale, or selling any adulterated honey under the provisions of this Act may, in the discretion of the court, be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses, not to exceed fifty dollars, incurred in analyzing such adulterated honey of which such person may have been found guilty of manufacturing, selling, or offering for sale. Penalties.

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

## CHAPTER XVI.

*An Act to amend an Act entitled "An Act to amend section ten of the Political Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.*

[Approved February 23, 1897.]

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

SECTION 1. Section ten of the Political Code is hereby amended to read as follows:

10. Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the Holidays defined.

thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XVII.

*An Act to appropriate one hundred and twenty-five thousand dollars for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco.*

[Approved February 23, 1897.]

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

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated out of any money in the state treasury, to be paid to the regents of the University of California, to be expended by them in the erection of buildings on the site therefor already selected by the regents, for the use of affiliated and other departments of the University of California, which appropriation is to replace the one hundred and twenty-five thousand dollars appropriated heretofore for like purposes, but which lapsed by reason of the non-use during the forty-seventh fiscal year.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants for said sum of one hundred and twenty-five thousand dollars at such times and in such partial payments as he may be required by said regents of the University of California, upon their requisition, and the Treasurer of the State is hereby directed to pay the same out of any moneys in the state treasury not otherwise appropriated.

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 amend section seven of the Civil Code of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.*

[Approved February 23, 1897.]

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

SECTION 1. Section seven of the Civil Code is hereby amended so as to read as follows:

7. Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of

Holidays defined.

Appropriation for use of University and affiliated departments.

Duty of Controller and Treasurer.

February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday of September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of the State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December shall fall upon a Sunday, the Monday following is a holiday.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XIX.

*An Act to amend an Act entitled "An Act to amend sections ten and one hundred and thirty-four of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days," approved March 23, 1893, relating to legal holidays.*

[Approved February 23, 1897.]

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

SECTION 1. Section ten of the Code of Civil Procedure is hereby amended to read as follows:

10. Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday.

SEC. 2. Section one hundred and thirty-four of the Code of Civil Procedure is hereby amended so as to read as follows:

134. No court shall be open, nor shall any judicial business be transacted, on Sunday, on the first day of January, on the twenty-second day of February, on the thirtieth day of May, on the fourth day of July, on the ninth day of September, on the first Monday of September, on the twenty-fifth day of December, on a day upon which an election is held throughout the State, or by the Governor of this State, for a public fast, thanksgiving, or holiday, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict.

2. To receive a verdict or discharge a jury.

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

*Provided*, that the Supreme Court and the Superior Courts shall always be open for the transaction of business; *and provided further*, that injunctions and writs of prohibition may be issued and served on any day.

SEC. 3. This Act shall take effect immediately.

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## CHAPTER XX.

*An Act to amend section three hundred and eighty-eight, Civil Code of the State of California, relative to the sale of a franchise to collect tolls.*

[Approved February 23, 1897.]

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

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

Sale of a franchise to satisfy judgment.

388. For the satisfaction of any judgment against any person, company, or corporation authorized to receive tolls, the franchise, and all the rights and privileges thereof, may be levied upon and sold under execution, in the same manner, and with the same effect, as any other property.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER XXI.

*An Act to amend section three hundred and twelve of the Code of Civil Procedure of the State of California, relating to the time of commencing actions.*

[Approved February 23, 1897.]

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

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

Time of commencing actions.

312. Civil actions, without exception, can only be commenced within the periods prescribed in this title, after the cause of action shall have accrued, unless where, in special cases, a different limitation is prescribed by statute.



## CHAPTER XXII.

*An Act entitled an Act to amend section one of an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895.*

[Approved February 23, 1897.]

*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 provide for the disincorporation of municipal corporations of the sixth class," approved March twenty-sixth, eighteen hundred and ninety-five, is hereby amended to read as follows:

Section 1. A municipal corporation of the sixth class may disincorporate after proceedings had as required in this Act. The Council, the Board of Trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one half of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such municipal corporation shall disincorporate. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed or published in such corporation, or if there is no newspaper published in said corporation, then in some newspaper published in the county in which said corporation is situated, for a period of thirty days prior to such election. Said notice shall state that the question of disincorporating said corporation will be submitted to the legal voters of the same at the time appointed for such election, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross, as provided by law, after the words "For disincorporation," or "Against disincorporation." Such legislative body shall also designate in said notice the place or places at which the polls will be open in said municipal corporation; and shall also appoint and designate in such notice the names of the officers of election. The vote at said election shall be taken, canvassed, and returned in the same manner as in other municipal elections. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. If it be found by the canvass of said votes that less than two thirds of the votes cast were in favor of disincorporation, such legislative body shall declare the petition for disincorporation denied; in which case no new election shall be held on the question of disincorporating the corporation involved in said petition and vote until after the expiration of two years from date of the election so held. In case it shall appear from said canvass that two thirds of all the votes cast were in favor of disincorporation, said legislative body shall, under their hands, make and file in their office, and cause to be

Municipal corporations of the sixth class may disincorporate, how.

Special election.

Notice of election.

Canvass of votes.

Two-thirds vote necessary.

No new election for two years.

entered upon their record of proceedings, an order that the petition for such disincorporation be granted, and declaring that such corporation be disincorporated; said order to take effect at the time hereinafter provided.

Duty of legislative body in case of disincorporation.

Said legislative body shall, in case said corporation is so disincorporated, forthwith cause their clerk, or other officer performing the duties of clerk, by an order entered in their minutes, to make and transmit to the Secretary of State and Board of Supervisors of the county in which said corporation is situated, a certified copy and abstract of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation, and the number of electors voting against said disincorporation. Thirty days from and after the holding of the election, in case two thirds of the said votes were cast in favor of said disincorporation, said municipal corporation shall be forever disincorporated. Said legislative body shall forthwith, after ascertaining by said canvass that said disincorporation has been carried, determine the amount of the indebtedness of said municipal corporation, the amount of money in the treasury thereof, and the amount of any tax levy made by said corporation unpaid or not due, and all other indebtedness due or coming due to said corporation, and within thirty days from the date of said election shall transmit a certified statement of said amount to the Board of Supervisors of the county in which said municipal corporation is situated; and the treasurer of said corporation shall, before the expiration of said thirty days, turn over to the treasurer of said county all moneys of said municipal corporation in his possession, and said County Treasurer shall place said moneys in a special fund, to be drawn upon as hereinafter provided for. Upon the disincorporation of said municipal corporation, every public officer of said corporation shall immediately turn over to the Board of Supervisors of the county in which said corporation is situated, all public property of every nature and description in their possession; *provided, however*, that all court records of the Recorder's Court of the said municipal corporation shall be retained by said Recorder as Justice of the Peace of the township, and as such Justice of the Peace he shall have authority to execute and complete all unfinished business standing on the same. Nothing contained in this Act shall be held to relieve said municipal corporation, or the territory included within it, from any liability for any debt contracted by such municipal corporation prior to its disincorporation. All warrants for said indebtedness shall be drawn by the Board of Supervisors of the county in which said municipal corporation is situated, on the fund hereinabove provided for in the county treasury. If, at the time of said disincorporation, a tax shall have been levied by said municipal corporation, and remains uncollected, it shall be the duty of the Tax Collector of the county in which said municipal corporation was situated to collect said tax when due, and pay the same into the county treasury to the credit of the fund hereinabove provided for. If, at any time after the disincorporation of any such municipal

Indebtedness

Court records.

Warrants for debts.

corporation, it should be found that there is not sufficient money in the treasury to the credit of the fund hereinabove provided for, with which to pay any indebtedness of said municipal corporation, the Board of Supervisors of said county shall have the power, and it shall be their duty to levy, and there shall be collected from the territory formerly included within said municipal corporation, a tax or taxes sufficient in amount to pay the said indebtedness, or indebtedness of said municipal corporation; such tax or taxes, assessment, and collection shall be made in the same manner and at the same time that other taxes of said county are levied and collected. and shall be an additional tax upon the property included within said territory for the payment of said debts. If, after payment of the debts of said municipal corporation, there shall remain any surplus in the hands of said County Treasurer to the credit of the fund hereinbefore mentioned, the money so remaining shall be transferred to the school fund of the districts or district covered by said municipal corporation.

Tax  
levy for  
deficiency.

Surplus.

### CHAPTER XXIII.

*An Act to amend section three hundred and eighty-three of the Code of Civil Procedure.*

[Approved February 23, 1897.]

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

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

383. Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, and sureties on the same or separate instruments, may all or any of them be included in the same action, at the option of the plaintiff; and all or any of them join as plaintiffs in the same action, concerning or affecting the obligation or instrument upon which they are severally liable.

Persons  
severally  
liable may  
be included  
in one  
action.

## CHAPTER XXIV.

*An Act to amend sections six hundred and thirty-two and six hundred and thirty-four of the Penal Code of the State of California, relating to fish.*

[Approved February 25, 1897]

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

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

632. Every person who buys, sells, offers or exposes for sale any kind of trout less than six inches in length; every person who takes, catches, kills, buys, sells, exposes or offers for sale, or has in his possession any salmon trout, brook, or lake trout, or any variety of trout, except steelhead trout (*Salmo gairdneri*), between the first day of December and the first day of April of the following year; every person who buys, sells, offers or exposes for sale any steelhead trout (*Salmo gairdneri*), between the first day of February and the first day of May of each year; every person who, at any time, takes or catches any trout, except with hook and line, is guilty of a misdemeanor; *provided, however*, that steelhead trout (*Salmo gairdneri*) may be taken in tide water, between the first day of May and the first day of February of the following year, with lawful nets; and a lawful net shall be a net that when placed in the water is unsecured and free to float with the current or tide, and the meshes of which are, when drawn closely together and measured inside the knot, not less than seven and one half inches in length. Every person found guilty of any violation of any of the provisions of this section shall be fined in a sum not less than twenty dollars, or be imprisoned in the county jail in the county in which conviction shall be had not less than ten days, or be punished by both such fine and imprisonment; and all fines imposed and collected for any violation of any of the provisions of this section shall be paid into the "Fish Commission fund." Nothing in this section shall prohibit the possession at any time of steelhead trout (*Salmo gairdneri*) when taken in tide water with hook and line, and nothing shall prohibit the United States Fish Commission and the Fish Commission of this State from taking, at all such times, such fish as they deem necessary for the purpose of artificial hatching.

SEC. 2. Section six hundred and thirty-four of the Penal Code is hereby amended to read as follows:

634. Every person who, between the tenth day of September and the sixteenth day of October of each year, takes or catches, buys, sells, offers or exposes for sale, or has in his possession any fresh salmon; every person who, between the fifteenth day of October and the fifteenth day of November of

Taking  
and selling  
trout.

Lawful  
nets.

Penalties

Steelhead  
trout.

U. S Fish  
Commis-  
sion, etc.

Taking  
and selling  
salmon.

each year, takes or catches any salmon above tide water; every person who shall set or draw, or assist in setting or drawing, any net or seine for the purpose of taking or catching salmon, shad, striped bass, or sturgeon, in any of the waters of the State, at any time between sunrise of each Saturday and sunset of the following Sunday; every person who, for the purpose of catching salmon, shad, striped bass, or sturgeon, in any of the waters of the State, fish with or use any seine or net, drag-net, Nets. or paranzella, the meshes of which are, when drawn closely together and measured inside the knot, less than seven and one half inches in length, is guilty of a misdemeanor, and is punishable by a fine not less than two hundred dollars, or by Imprisonment. imprisonment in the county jail in which the conviction shall be had, not less than one hundred and fifty days, or by both such fine and imprisonment, and all the fines imposed and collected for any violations of the provisions of this section shall be paid into the "Fish Commission fund." In the construction and meaning of this section, the limits of tide water in the Sacramento River shall be deemed to extend from its mouth to the City of Sacramento; in the San Joaquin River, from its mouth to the Southern Pacific Railroad bridge near Lathrop, in San Joaquin County; in Eel River, in Humboldt County, from its mouth to East Ferry, above the town of Fortuna; in the Klamath River, to a point on the river north of the residence of James McGarvey; in Smith River, in Del Norte County, from its mouth to Higgins Ferry. Nothing in this section shall prohibit the United States Fish Commission and the Fish Commission of this State, from taking, at all times, such fish as they deem necessary for the purposes of artificial hatching. It shall be no defense in a prosecution for the violation of any of the provisions of this section that the fish were caught or taken outside or within this State. Tide water limits. U. S. Fish Commission, etc.

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

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

## CHAPTER XXV.

### *An Act concerning bridges across navigable streams.*

[Approved February 25, 1897.]

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

SECTION 1. The Board of Supervisors of any county in this State now controlling or maintaining, by virtue of any statute, any bridge across any navigable stream wholly or in part within the boundary lines of any municipal corporation, is hereby authorized and empowered, whenever it may become necessary, in the interest of commerce or by reason of any such bridge being out of repair, to reconstruct and rebuild any part Relating to bridges across navigable streams.

of such bridge, or replace said bridge by a new structure, or with the consent of the governing bodies of such municipalities change the location of such bridge to such place on such stream as may be better suited to its use, or to the use of such navigable stream; and the Board of Supervisors of any county is hereby authorized to abandon any such existing bridge and rebuild a new bridge at such changed location, and the Board of Supervisors of any such county so rebuilding and reconstructing said bridge may enter into an agreement with any person or corporation, now maintaining any bridge across any such navigable stream, for the building of a joint bridge for the purpose of preventing the impeding of commerce on such navigable streams, and of apportioning the expense between said county and said person or any corporation, in such manner as may be agreed upon between said county and said person, or corporations.

Division of  
expense of  
repair, etc

SEC. 2. The expense of said reconstruction, or the building of a new bridge, to be payable out of the same fund as is now provided by law for the maintenance and repair of any such bridge; *provided*, that in case said county should make such agreement with said person or corporation for the building of any joint bridge, that only the county's portion of said joint bridge, as may be settled by said agreement, shall be paid from the said funds; *and provided*, that in no event shall the county pay more than one half the cost of construction, repair, or reconstruction of any such joint bridge.

SEC. 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

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

## CHAPTER XXVI.

*An Act to change and permanently locate the boundary line between the counties of Butte and Yuba.*

[Approved February 25, 1897.]

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

Boundary  
line  
between  
Butte and  
Yuba  
counties.

SECTION 1. The boundary line between the counties of Butte and Yuba is hereby established and permanently located as follows: Beginning at the intersection of the south line of section thirty-one, of township nineteen north, range six east, Mount Diablo base and meridian, with the west branch of the Honcut Creek, the present line between the counties of Butte and Yuba, and running thence east to the southwest corner of the southeast one quarter of the southeast one quarter of section thirty-one, said township and range, thence north three quarters of a mile, thence east one quarter of a mile, thence north one quarter of a mile, to corner common to sections twenty-nine, thirty, thirty-one, and thirty-two, said township and range; thence east one half mile to the one

quarter section corner between sections twenty-nine and thirty-two, said township and range, thence north one half mile to the center of section twenty-nine, thence east one half mile to the one quarter section corner between sections twenty-eight and twenty-nine, said township and range, thence north three quarters of a mile, thence east one quarter of a mile, thence north three quarters of a mile, thence east one quarter of a mile to the one quarter section corner between sections sixteen and twenty-one, said township and range, thence north one and one half miles to the center of section nine, said township and range, thence east one and one half miles to the one quarter section corner between sections ten and eleven, said township and range, thence south one half mile to the corner common to sections ten, eleven, fourteen, and fifteen, said township and range, thence east two miles to the corner common to sections twelve and thirteen, township nineteen north, range six east, and sections seven and eighteen, township nineteen north, range seven east, Mount Diablo base and meridian, thence north one mile to the corner common to sections one and twelve, township nineteen north, range six east, and sections six and seven, township nineteen north, range seven east, Mount Diablo meridian, thence east three miles to the corner common to sections three, four, nine, and ten, township nineteen north, range seven east, Mount Diablo meridian, thence south one half mile to one quarter section corner between sections nine and ten, said township and range, thence east one and one half miles to the center of section eleven, said township and range, thence north one half mile to the one quarter section corner between sections two and eleven, said township and range, thence east one half mile to the corner common to sections one, two, eleven, and twelve, said township and range, thence north two miles to the corner common to sections twenty-five, twenty-six, thirty-five, and thirty-six, township twenty north, range seven east, Mount Diablo meridian, thence east one half mile to one quarter section corner between sections twenty-five and thirty-six, said township and range, thence north one half mile to the center of section twenty-five, said township and range, thence east one and one half miles to the one quarter section corner between sections twenty-nine and thirty, township twenty north, range eight east, Mount Diablo meridian, thence north one quarter of a mile, thence east one half of a mile, thence north one and one quarter miles to the one quarter section corner between sections seventeen and twenty, said township and range, thence east one and one half miles to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range, thence north one mile to the corner common to sections nine, ten, sixteen, and fifteen, said township and range, thence east to the line between Plumas and Butte counties at its intersection with the north-west boundary line of Yuba County.

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

SEC. 3. This Act shall take effect immediately.

## CHAPTER XXVII.

*An Act to amend sections two hundred and thirty-seven, two hundred and forty-five, two hundred and forty-six, and two hundred and sixty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the officers and employé's of the Legislature.*

[Approved February 25, 1897.]

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

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

Temporary  
officers of  
the Senate  
and As-  
sembly.

237. The secretary of the senate, and the clerk of the assembly, the minute clerks and sergeant-at-arms of each house, for any session, must, at the next succeeding session of the body, perform the duties of their offices until their successors are elected and qualified. Said officers, and no others, shall be allowed mileage. The secretary of the senate may appoint a postmaster, three gatekeepers, and three pages. The chief clerk of the assembly may appoint a postmaster, three gatekeepers, and three pages. The sergeant-at-arms of the senate and of the assembly may each appoint an assistant sergeant-at-arms. There shall be no other officers or employé's of either house until the permanent organization is completed. Such officers shall serve only until said permanent organization is completed.

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

Officers  
and at-  
tachés of  
the Senate.

245. The officers and employé's of the Senate shall consist of a president, a president pro tem., a secretary, three assistant secretaries (who shall be appointed by the secretary, by and with the advice and consent of the Senate), one sergeant-at-arms, one assistant sergeant-at-arms, one book-keeper for the sergeant-at-arms (who shall be appointed by the sergeant-at-arms, by and with the advice and consent of the Senate), one minute clerk, two assistant minute clerks, one journal clerk, one assistant journal clerk, one engrossing and enrolling clerk, one assistant engrossing and enrolling clerk (to be elected at the same time and in the same manner as the engrossing and enrolling clerk is elected), and two assistant engrossing and enrolling clerks (to be elected on the thirtieth day of the session), two bill filers, a chaplain, one postmaster, one assistant postmaster, one mail carrier (who shall be mailing and folding clerk), one page to the president of the senate, four pages, three gatekeepers, one doorkeeper, one gallery doorkeeper, one messenger to the state printer, one history clerk, one bill clerk, one assistant bill clerk, fifteen committee clerks (to be assigned to committees actually requiring the use of a clerk), five skilled stenographers (who



shall be typewriters, and who shall be at the service of the Senate, its members and its committees, and under the supervision of the secretary of the senate); and no other officers, employés, or attachés, excepting that the secretary may employ at any time temporary employés, with the consent of four fifths of the members elected to the Senate.

SEC. 3. Section two hundred and forty-six of the Political Code is hereby amended so as to read as follows:

246. The officers and employés of the Assembly shall consist of a speaker, a speaker pro tem., one chief clerk, three assistant clerks (who shall be appointed by the chief clerk, by and with the advice and consent of the Assembly), one sergeant-at-arms, one assistant sergeant-at-arms, one bookkeeper to the sergeant-at-arms (who shall be appointed by the sergeant-at-arms, by and with the advice and consent of the Assembly), one minute clerk, two assistant minute clerks, one journal clerk, one assistant journal clerk, one engrossing and enrolling clerk, one assistant engrossing and enrolling clerk (to be elected at the same time and in the same manner as the engrossing and enrolling clerk), and two assistant engrossing and enrolling clerks (to be elected on the thirtieth day of each session), four bill filers, a chaplain, one postmaster, one assistant postmaster, one mail carrier (who shall be mailing and folding clerk), one page to speaker, six pages, three gatekeepers, one doorkeeper, one gallery doorkeeper, one messenger to the printer, one history clerk, one bill clerk, two assistant bill clerks, twenty committee clerks (to be assigned to committees actually requiring the use of a clerk), six skilled stenographers (who shall be typewriters, and who shall be at the service of the Assembly, its members and its committees, and under the supervision of the clerk); and no other officers, employés, or attachés are to be employed, excepting that the clerk may employ at any time temporary employés, with the consent of four fifths of the members elected to the Assembly.

Officers  
and at-  
tachés  
of the  
Assembly.

SEC. 4. Section two hundred and sixty-eight of the Political Code is hereby amended so as to read as follows:

268. There shall be paid to the officers and employés of the Senate the following salaries: To the secretary, eight dollars per day; to the assistant secretaries, sergeant-at-arms, minute clerk, assistant minute clerks, journal clerk, engrossing and enrolling clerk, and history clerk, each six dollars per day; to assistant sergeant-at-arms, bookkeeper to sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, each five dollars per day; to the chaplain, four dollars per day; to the stenographers, each five dollars per day; to the bill clerks, committee clerks (excepting that one clerk of the judiciary committee and one clerk of the finance committee shall receive each six dollars per day), postmaster, assistant postmaster, bill filers, each four dollars per day; to the mail carrier, gatekeepers, doorkeepers, messenger to the printer, each three dollars per day; to each page, two dollars and fifty cents per day. There shall be paid to the officers

Salaries of  
officers and  
attachés of  
the Senate.

Salaries of officers and attachés of Assembly.

Salary of other employés.

and employés of the Assembly the following salaries: To the clerk, eight dollars per day; to the assistant clerks, sergeant-at-arms, minute clerk, assistant minute clerks, journal clerk, engrossing and enrolling clerk, and history clerk, each six dollars per day; to the assistant sergeant-at-arms, book-keeper to sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, each five dollars per day; to the chaplain, four dollars per day; to the stenographers, each five dollars per day; to the committee clerks (except that one clerk of the ways and means committee and one clerk of the judiciary committee shall each receive six dollars per day), bill clerks, postmaster, assistant postmaster, bill filers, each four dollars per day; to the mail carrier, committee messengers, gatekeepers, messenger to the printer, each three dollars per day; to each page, two dollars and fifty cents per day. And no other officer or employé of the Senate or Assembly, whose per diem is not hereinbefore fixed, shall receive a per diem exceeding the sum of five dollars.

## CHAPTER XXVIII.

*An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893, relating to the office of Commissioner of Public Works.*

[Approved February 25, 1897.]

*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 creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March twenty-fourth, eighteen hundred and ninety-three, is hereby amended to read as follows:

Office of Commissioner of Public Works created.

Section 1. There is hereby created a Commissioner of Public Works, to be appointed by the Governor. The commissioner first appointed under this Act shall hold his office for the term of two years from the first day of March, eighteen hundred and ninety-three, and until his successor shall be appointed and qualified, and all subsequent appointments shall be for the term of four years. In case of vacancy occasioned by death, resignation, or otherwise, the Governor shall appoint his successor; *provided*, that any appointment made to fill a vacancy shall be only for the unexpired portion of the term for which the original was made. Said officer, before entering upon the discharge of his duty, shall take and subscribe the official oath, and execute an official bond in the sum of six thousand dollars, to be approved by the Governor, and filed and recorded in the office of the Secretary of State, as in the case of bonds of other state officials. Such commissioner shall

receive a salary of three thousand dollars per annum, payable in monthly installments, and shall be allowed his actual traveling and other necessary incidental expenses incurred while in the performance of official duties. Salary and expenses.

SEC. 2. This Act and the Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation, approved March twenty-fourth, eighteen hundred and ninety-three, relating to the office of Commissioner of Public Works, of which Act this is amendatory, shall cease, terminate, and be at an end on the first day of March, eighteen hundred and ninety-nine, and the office of commissioner created hereunder, and under said Act approved March twenty-fourth, eighteen hundred and ninety-three, and all officers and employes appointed by said commission, shall cease, and their employment thereafter shall be discontinued, and the State of California shall in no manner whatever be liable for the compensation of the commissioner, officers, or employes, employed by him, or by said commission, after said date. Termination of office.

SEC. 3. This Act shall take effect immediately.

## CHAPTER XXIX.

*An Act to compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits.*

[Approved February 25, 1897.]

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

SECTION 1. The president, cashier, or secretary of every bank, depository, society, or institution of every kind or character which receive money on deposit, or in which deposits of money are made, and upon which deposits no interest is paid, shall, within fifteen days after the first day of June in the year one thousand eight hundred and ninety-seven, and within fifteen days of the first day of June of each and every second succeeding year thereafter, return to the Board of Bank Commissioners a sworn statement showing the amount standing to his credit, the last known place of residence or post office address, and the fact of death, if known to said president, cashier, or secretary, of every depositor of such bank, depository, society, or institution, who shall not have made a deposit therein, or withdrawn therefrom any part of his deposit or funds to his credit therein, for a period of more than ten years next preceding; and the presidents, cashiers, or secretaries, of all such banks, depositories, societies, and institutions, which receive money on deposit or in which deposits of money is made, shall give notice of these deposits, in one or more newspapers published in or nearest to the city, city and county, or A sworn statement of unclaimed deposits to be made to the Bank Commissioners.

Statement to be published.

town where such banks, depositaries, societies, or institutions are situated, at least once a week for four successive weeks, the cost of such publications to be paid pro rata out of said unclaimed deposits; *provided, however,* that this Act shall not apply to or affect the deposit made by or in the name of any person known to the said presidents, cashiers, or secretaries, to belong, or any deposit which, with the accumulations thereon, shall be less than fifty dollars.

**Exception.** **Duty of Bank Commissioners.** SEC. 2. The Board of Bank Commissioners shall incorporate in their subsequent report each return which shall have been made to them, as provided in section one of this Act.

**Penalty.** SEC. 3. Any president, cashier, or secretary of either of the banks, depositaries, societies, or institutions named in section one of this Act, neglecting or refusing to make the sworn statement required by said section one, shall be guilty of a misdemeanor.

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## CHAPTER XXX.

*An Act to authorize any city, or city and county of this State to take its census.*

[Approved February 25, 1897.]

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

**Legislative body may take census.** SECTION 1. The Council, or other legislative body of any city in this State, and the Board of Supervisors, or other legislative body of any city and county of this State, is hereby authorized, whenever said Council, Board of Supervisors, or other legislative body, may deem it necessary, between the years of taking the federal census, to take the census of such city, or city and county, in the manner prescribed by section two of this Act.

**Manner of taking census.** SEC. 2. Said Council, Board of Supervisors, or other legislative body of any city, or city and county of this State electing to take a census, as in this Act provided for, shall pass a resolution of intention declaring its intention to cause such census to be taken by one or more suitable persons appointed therefor by such Council, Board of Supervisors, or other legislative body, at the expense of said city or cities desiring such census taken, and such census shall, by such persons so appointed, be taken of all the inhabitants of such city, or city and county, and in said census the full name of each person shall be plainly written and the names alphabetically arranged and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the clerk of such city, or city and county.

**Certified copy.** SEC. 3. A certified copy of such census shall be prepared by said clerk after being so filed, and shall be filed by him with the Secretary of State for this State, and thereupon the same

shall be known and be the official state census of said city, or city and county.

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

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## CHAPTER XXXI.

*An Act to amend section three hundred and ninety-seven of the Penal Code, relating to penalties for selling liquor to habitual or common drunkards and Indians.*

[Approved February 25, 1897.]

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

SECTION 1. Section three hundred and ninety-seven of said Act is hereby amended to read as follows:

397. Every person who sells or furnishes, or causes to be sold or furnished, any intoxicating liquors to any habitual or common drunkard, is guilty of a misdemeanor; or who sells or furnishes, or causes to be sold or furnished, intoxicating liquors to any Indian, is punishable by imprisonment in the state prison, or in a county jail, not exceeding two years, or by a fine not exceeding one thousand dollars, or both.

Selling  
liquor to  
habitual  
drunkards  
and  
Indians.

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## CHAPTER XXXII.

*An Act to legalize certain acknowledgments.*

[Approved February 25, 1897.]

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

SECTION 1. All acknowledgments of deeds and other instruments of writing, whereby real estate, or any interest therein, is conveyed or may be affected, heretofore taken before Court Commissioners or a County Clerk, and by them or him certified in the usual legal form, shall, from and after the passage of this Act, have the same force and effect for all purposes, as though such acknowledgments had been taken before and certified by a clerk of a court of record, or a County Recorder, or a notary public; and the record of such deeds or instruments, if the same shall have been admitted to record, shall hereafter impart notice to the same extent as though such acknowledgments had been taken before and certified by any one of the above-named officers, and said records and duly certified copies thereof shall have the same effect in evidence as though said deeds or instruments had been originally acknowledged and certified before and by duly authorized officers; *provided,*

Legalizing  
certain  
acknowl-  
edgments.

nothing in this Act shall be so construed as in any manner to affect the rights of any subsequent purchaser in good faith and for value.

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

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### CHAPTER XXXIII.

*An Act to amend section six hundred and thirty-eight of the Civil Code of the State of California, relating to the interest to be charged and security to be taken by mutual building and loan associations.*

[Approved February 25, 1897.]

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

Section six hundred and thirty-eight of the Civil Code of the State of California is hereby amended so as to read as follows:

Rate of  
interest  
to be  
charged by  
building  
and loan  
associa-  
tions

638. The rate of interest on all loans may be fixed by the by-laws, but, in case the by-laws fail to fix the rate, then it shall be fixed, from time to time, by the board of directors. For every loan made, a note or obligation, secured by a first mortgage or deed of trust upon unincumbered real estate, shall be given, accompanied by a transfer and pledge to the association of the shares borrowed upon, as collateral security for the repayment of the loan; or, in lieu of the mortgage or deed of trust, there may be pledged and transferred to the association, for the payment of the loan, free shares, the withdrawal value of which, under the by-laws, at the time of such borrowing, shall exceed the amount borrowed and interest thereon for six months. At the discretion of the board of directors, a borrower may repay a loan, and all arrears of interest and fines thereon, at any time upon the surrender of the shares pledged for the loan.

Security

Repay-  
ment  
of loans

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### CHAPTER XXXIV.

*An Act to authorize state agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.*

[Approved February 25, 1897.]

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

Author-  
izing State  
Agricultural  
Society to  
sell real  
estate

SECTION 1. Whenever any state agricultural society under state control shall desire to sell the whole or any portion of its real estate held by it in fee, or by a trustee for its use, or

in which it may have any title, interest, or claim, it shall be lawful for such society or association to file its complaint in the Superior Court of the county in which such lands are situated, setting forth the nature of the title under which the land to be affected by the decree of the court is held, and what claim such society or association has therein; and that it is the desire of such society or association to sell such real estate, and praying for judgment authorizing it to sell the same. In such action the trustee or trustees holding title in trust for such society or association, or their successors, or the survivor or survivors of them, or such other persons deriving title from the trustees, as the case shall require, shall be made parties defendant; and upon the service of the summons upon such defendants personally, or by publication, or upon their appearance, the court shall have full jurisdiction in the premises. Such society or association may include as defendants in such action in addition to such persons or parties as appear of record to have, and other persons or parties who are known to have, some claim in or lien on the lands described in the complaint; also all other persons or parties unknown, claiming any right, interest, or lien in such land, and the plaintiff may describe such defendants in the complaint as follows: "Also all other persons or parties, unknown, claiming any right, title, estate, lien, or interest in the real estate described in the complaint herein." Service of the summons may be had upon all such unknown persons or parties defendant by publication, as provided by law in case of non-resident defendants. All such unknown persons or parties so served shall have the same rights as are provided by law in case of all the other defendants upon whom service is made by publication or personally, and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have or claim any right, estate, lien, or interest in the said property in controversy at the time of the commencement of the action, duly served as aforesaid, shall be bound and concluded by the judgment in such action as effectually as if the action was brought against such defendant by his or her name, and personal service of the summons obtained, notwithstanding any such unknown person may be under legal disability. The court shall have full power and authority to order the property sold. In case of a sale, the court shall appoint a commissioner to make the sale, and shall direct the manner in which the sale shall be conducted; *provided*, that when any property is held in trust by any such agricultural society or association, such property held in trust shall be sold separately from any that may be held in fee. The commissioner shall make a report of sale to the court, which, after such notice as it may deem proper, shall proceed to hear the same, and if it finds that the sale was fairly conducted, and the price bid was proportionate to the value of the land sold, it shall make and enter a decree confirming the sale, and directing the commis-

Parties in interest to be made defendants.

Unknown persons or parties.

Authority of court.

Deed by said commissioner, under and in pursuance of the decree of the court, shall be valid and effectual to convey to the purchaser an absolute title in fee simple to the premises; *provided, however*, that before the filing of any such complaint in the Superior or any other court, it shall be necessary for such agricultural society, or any person or corporation claiming the title to such land, to prepare, sign, and properly acknowledge a good and sufficient deed or deeds sufficient to vest in the State all title, interest, or claim which such society may have in and to any land to be affected by the proceedings hereby authorized to be instituted; such deed or deeds to be conditioned that the title, claim, or interest of such society embraced in such deed or deeds shall be held by the State of California in trust for the benefit of such society; which said deed or deeds shall be deposited with the State Treasurer, to be by him held in escrow pending the final conclusion of such proceedings in such court. If the court in which such proceedings are had shall order such land to be sold, as herein provided for, the State Treasurer shall forthwith file such deed or deeds with the County Recorder of the county, or city and county, in which such land is located. If there be any liens upon or claims against the property, the court shall order them paid out of the proceeds of sale. The residue remaining, after paying the costs and expenses of sale and such liens and claims against the property as the court may order paid, shall be paid into the state treasury, where it shall remain until required for the purchase of other property for the use of such society or association, upon the order of the State Controller; and it shall be drawn therefrom only upon authorization passed by the board of directors or trustees of such society or association, by and with the approval of the State Board of Examiners, and upon warrants duly drawn by the State Controller. If, through any defect in the proceedings, or otherwise, the title should not pass, the State will indemnify the purchaser by repaying to him the amount paid by him; *provided*, such purchaser or purchasers shall file their claim or claims for the repayment of such purchase price with the State Board of Examiners within five years after the payment of such purchase price to the State Treasurer in the first instance. The surplus of proceeds of sale, paid into the state treasury, shall be drawn out on certificate, signed by a majority of the directors, or governing body of such society or association, and also of the State Board of Examiners, stating that it is desired for the payment for other property for the use of such agricultural society; and upon receipt of such certificate, the Treasurer shall pay to the said directors, or governing body, or person designated by them, such part of such surplus as may be required for the purchase of other property. It is expressly provided that in no event shall the State be liable for the payment of any expense, interest, or attorneys' fees, incurred by any one, on any account, by or on behalf of any such agricultural society in their behalf; and it shall be incumbent on such society to make provision for the payment

Deed

Deeds  
in escrow.

Liens.

Duty of  
State  
Board of  
Examiners.State  
not liable  
for any  
expense



of the expenses, costs, attorneys' fees, and any interest that may be necessary to be paid any purchaser, by reason of repayment of any purchase money on account of failure of title to such lands; such provision for the payment of expenses, attorneys' fees, costs, and anticipated interest to be provided for prior to the issue of any summons, or order of publication in any action contemplated by this Act.

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

#### CHAPTER XXXV.

*An Act to add a new section to the Code of Civil Procedure of the State of California, relating to the voluntary dissolution of corporations, and to be known and numbered as section twelve hundred and thirty-four.*

[Approved February 25, 1897.]

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

1234. If the applicant be a savings and loan association, or engaged in the business of receiving money on deposit, and there be any unclaimed deposit or dividend in its hands belonging to a person whose whereabouts are unknown to the trustees, directors, or other officers presenting the application, the application shall set forth the name of the person making such deposit or entitled to such dividend, the time when such deposit was made or dividend declared, the residence, if known, of such person at the time of such deposit, the amount of such deposit or dividend, and the fact that the whereabouts of such person are known. The same facts shall be stated in the notice of the application given by the clerk. If, at any time before the expiration of the time of publication, any person shall file a claim to such deposit or dividend, the court shall, at the hearing and upon five days' notice to him, hear and determine his claim, and, if such claim be established, order such money to be paid to him. All such deposits or dividends not so claimed, or as to which no claim shall be established, shall, upon order of the court, be paid into the state treasury, accompanied with a copy of the order, which shall set forth the facts hereinbefore required to be stated concerning such deposits or dividends; and, upon production of the Treasurer's receipt for such payment, the court may proceed to declare the corporation dissolved as in other cases. All unclaimed deposits and dividends so paid into the state treasury shall be received, invested, accounted for, and paid out, in the same manner and by the same officers as is provided by law in the case of escheated estates and in section twelve hundred and seventy-two of this Code.

Voluntary  
dissolution  
of corpo-  
rations.

Unclaimed  
deposits,  
etc.

## CHAPTER XXXVI.

*An Act to amend section sixty-one of the Civil Code, relating to the granting of divorces.*

[Approved February 25, 1897.]

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

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

Marriage  
illegal,  
unless

61. A subsequent marriage contracted by any person during the life of a former husband or wife of such person, with any person other than such former husband or wife, is illegal and void from the beginning, unless:

Divorced  
one year, or

1. The former marriage has been annulled or dissolved; *provided*, that in case it be dissolved, the decree of divorce must have been rendered and made at least one year prior to such subsequent marriage;

Absent five  
years, etc.

2. Unless such former husband or wife was absent, and not known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, or was generally reputed or believed by such person to be dead, at the time such subsequent marriage was contracted.

In either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

## CHAPTER XXXVII.

*An Act providing for the destruction of municipal bonds of municipal corporations where the same have been executed and remain unsold.*

[Approved February 26, 1897.]

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

Providing  
for destruc-  
tion of  
municipal  
bonds  
unsold.

SECTION 1. Whenever there remain in the possession of any municipal corporations in this State, any bonds voted to be issued for municipal purposes, which have been executed but not sold and disposed of, and the sale and disposal of such bonds shall be deemed by the Board of Trustees or other governing board of such city to have become impossible or inexpedient, and that their destruction is desirable, it shall be lawful for said board to give public notice of its intention publicly to destroy such bonds by a notice published for four successive weeks in the official newspaper of said city, if there be such a paper, and otherwise, in any newspaper published and circulated in said city which may be designated by said board; such notice shall specify the time and place of such

Notice and  
manner of  
destruc-  
tion.

intended destruction, and the reason alleged therefor, together with a general description of the character and amount of said bonds. And it shall be lawful for said board, at the time and place and in accordance with the terms of said notice, publicly to destroy said bonds unless, at least three days prior to said time, written objections to such destruction shall be filed with the clerk of said city, signed by a majority of the legal voters of said city as appears by the vote cast at the last preceding general municipal election.

SEC. 2. No further or other issue of bonds in place of those thus destroyed shall be made by such city, or its Board of Trustees or other governing board, unless again authorized by a vote of the people as provided by law. No other issue of bonds.

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

### CHAPTER XXXVIII.

*An Act to amend section eight and forty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.*

[Approved February 26, 1897.]

*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 for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March twenty-sixth, eighteen hundred and ninety-five, is hereby amended to read as follows:

Section 8. No claim shall be entitled to a vote for the election of an assignee, unless such claim shall be placed on file in the office of the clerk of the court in which the proceedings are pending, at least two days prior to the time appointed for the election of an assignee. All claims shall be established by a statement, showing the amount and nature of the claim, and security, if any; such statement to be verified by the claimant, his agent or attorney; *provided*, no claim barred by the statute of limitations shall be proved or allowed against the estate of an insolvent debtor for any purpose. Any person interested in the estate of the insolvent may file exceptions to the legality or good faith of any claim, by setting forth specifically in writing, his interest in the estate, and the grounds of his objection to such claim; such specifications of exceptions to be verified by the affidavit of the party objecting, his agent or attorney, setting out among other things that such exceptions are not made for the purpose of delay, or otherwise than in good faith in the best interest of said estate. Such exceptions to be filed with the clerk of the court at least one day before

Claims entitled to vote for assignee.

Claims barred.

Exceptions to claims may be filed.

the time appointed for the election of an assignee; and such exceptions shall be heard and disposed of by the court, on affidavit or other evidence, in a summary manner, before the election of an assignee. But the decision of the court upon the exceptions as to whether the claimant shall be entitled to vote for an assignee shall not be conclusive upon the right of the party to participate in the assets of the insolvent, the enforcement of such right being subject to the laws of the State touching the establishment of claims against the estates of insolvents in case of dispute. No creditor or claimant, who holds any mortgage, pledge, or lien of any kind whatever, as security for the payment of his claim, shall be permitted to vote any part of his secured claim in the election of assignee, unless he shall first have the value of such security fixed as provided in section forty-eight of this Act, or surrender to the Sheriff or receiver of the estate of the insolvent, if any receiver, all such property so mortgaged or pledged, or assign such lien to such receiver or Sheriff; such surrender or assignment of security or lien to be for the benefit of all creditors of the estate of the insolvent. The value of such security, if fixed by the court, shall be so fixed at least one day before the day appointed for the election of an assignee; in which event the claimant may prove his demand, as provided in this section, for any unsecured balance, subject to the same exceptions as all other claims.

Decision of court not conclusive.

Mortgagee shall not vote, unless.

SEC. 2. Section forty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March twenty-sixth, eighteen hundred and ninety-five, is hereby amended to read as follows:

Creditor proving claims barred from action.

Section 49. No creditor, proving his debt or claim, shall be allowed to maintain any suit at law or in equity therefor, against the debtor, but shall be deemed to have waived all right of action and suit against him; and all proceedings already commenced, or unsatisfied judgment already obtained thereon, shall be deemed to be discharged and surrendered thereby; and after the debtor's discharge, upon proper application and proof to the court having jurisdiction, all such proceedings shall be dismissed, and such unsatisfied judgments satisfied of record; *provided*, that no valid lien existing in good faith thereunder shall be thereby affected; *and further provided*, that a creditor proving his debt or claim shall not be held to have waived his right of action or suit against the debtor where a discharge has been refused or the proceedings have been determined without a discharge. And no creditor whose debt is provable under this Act shall be allowed, after the commencement of proceedings in insolvency, to prosecute to final judgment any action therefor against the debtor until the question of the debtor's discharge shall have been determined, and any such suit or proceeding shall, upon the application of the debtor or of any creditor, or the assignee, be stayed to await the determination of the court in insolvency on the question of discharge; *provided*, that there be no unreasonable delay

Valid lien.

on the part of the debtor or the petitioning creditors, as the case may be, in prosecuting the case to its conclusion; *and* <sup>Unreasonable delay.</sup> *provided also*, that if the amount due the creditor is in dispute, the suit, by leave of the court, in insolvency may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proven in insolvency, but execution shall be stayed as aforesaid; *provided further*, that where a valid lien or attachment has been acquired or secured in any such action, and an undertaking been offered and accepted in lieu of such lien or attachment, the case may be prosecuted to final <sup>Final judgment.</sup> judgment for the purpose of fixing the liability of the sureties upon such undertaking, but execution against the insolvent upon such judgment shall be stayed.

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### CHAPTER XXXIX.

*An Act for the protection of the Antwerp messenger or homing pigeon.*

[Approved February 26, 1897.]

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

SECTION 1. It shall be unlawful for any person, other than the owner thereof, to shoot, maim, or kill any Antwerp messenger or homing pigeon, either in flight or at rest. <sup>Unlawful to shoot or trap homing pigeons.</sup>

SEC. 2. It shall be unlawful for any person, other than the owner thereof, to forcibly entrap or detain any Antwerp messenger or homing pigeon.

SEC. 3. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, for every such offense, shall be punished by a fine of not less than ten (10) or more than twenty-five (25) dollars, or by imprisonment in the county jail for a term not exceeding fifty (50) days. <sup>Penalty.</sup>

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

## CHAPTER XL.

*An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered seventeen hundred and three and one half, concerning the distribution of estate and discharge of executors and administrators.*

[Approved February 23, 1897.]

*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 of the State of California, numbered seventeen hundred and three and one half, as follows:

Distribu-  
tion of  
estate to  
minor or  
incom-  
petent.

County  
Treasurer  
to receipt  
for money.

Applica-  
tion of  
section.

Moneys,  
how paid  
out.

1703½. When any estate is distributed by the judgment or decree of the court, as provided in this chapter, to a minor or incompetent person who has no lawful guardian to receive the same, or person authorized to receipt therefor, the portion of said estate consisting of money shall be paid to and deposited with the County Treasurer of the county in which the estate is being probated, who shall give a receipt for the same, and shall be liable on his official bond therefor; and said receipt shall be deemed and received by the court or judge thereof as a voucher in favor of said executor or administrator, with the same force and effect as if executed by the distributee thereof. And this section shall be applicable to any and all estates now pending in which a final decree of discharge has not been granted. Said moneys so paid into the county treasury shall be paid out, upon petition to and the order of the Superior Court, or judge thereof, to the person entitled to receive the same.

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

## CHAPTER XLI.

*An Act to amend sections one and three of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March 30, 1874.*

[Approved February 26, 1897.]

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

SECTION 1. Section one of an Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining, approved March thirtieth,

eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Section 1. It shall be the duty of the secretary of every corporation formed for the purpose of mining, or conducting mining in California, to keep a complete set of books showing all receipts and expenditures of such corporation, the sources of such receipts, and the objects of such expenditures, and also all transfers of stock. All books and papers shall, at all times during business hours, be open to the inspection of any bona fide stockholder; and if any stockholder shall at any time so request, it shall be the duty of the secretary to attend at the office of said company at least one hour in the day out of regular business hours, and exhibit such books and papers of the company as such stockholder may desire, who shall be entitled to be accompanied by an expert; and he shall also be entitled to make copies or extracts from any such books or papers. Any stockholder may, at reasonable hours, have permission to examine such mining property, and he shall be entitled to be accompanied by an expert to examine such property, to take samples, and to make such other examination as he may deem necessary. It shall be the duty of the directors, on the second Monday of each and every month, to cause to be made an itemized account or balance sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were derived, and for what and to whom such disbursements or payments were made, and for what object or purpose the same were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance sheet shall be verified under oath by the president and secretary, and posted in some conspicuous place in the office of the company. It shall be the duty of the superintendent, on the first Monday of each month, to file with the secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. Such account shall also contain a verified statement showing the number of men employed under him, and for what purpose, and the rate of wages paid to each one. He shall attach to such account a full and complete report, under oath, of the work done in said mine, the amount of ore extracted, from what part of mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the superintendent. It shall also be his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking, or otherwise, together with the assay value thereof. All accounts, reports, and correspondence from the superintendent shall be kept in some conspicuous place in the office of said company, and to be open to the inspection of all

Duty of secretary of mining corporations.

Directors to issue a monthly balance sheet.

Superintendent to file a monthly report.

What to contain.

Applica-  
tion of  
Act.

stockholders; *provided*, that this section shall apply only to mining corporations whose stock is listed and offered for sale at public exchange, and shall not apply to mining corporations whose stock is not listed in the public exchange and is not offered for public sale.

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

Penalty  
for neglect  
to issue  
reports.

Section 3. In case of the refusal or neglect of the president to cause to be issued by the secretary the order in the second section of this Act mentioned, such stockholder shall be entitled to recover against said president the sum of one thousand dollars and costs, as provided in the last section. In case of the failure of the directors to have the reports and accounts current made and posted as in the first section of this Act provided, they shall be liable, either severally or jointly, to an action by any stockholder in any court of competent jurisdiction complaining thereof, and on proof of such refusal or failure, such complaining stockholder shall recover judgment for actual damages sustained by him, with costs of suit. And each of such defaulting directors shall also be liable to removal for such neglect.

SEC. 3. This Act shall take effect immediately.

## CHAPTER XLII.

*An Act making an appropriation to pay the current printing expenses of the thirty-second session of the Legislature.*

[Approved February 26, 1897.]

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

Appropriation for current printing expenses.

SECTION 1. The sum of forty thousand dollars is hereby appropriated, or so much as may be necessary, out of any money in the state treasury not otherwise appropriated, to pay the current printing expenses of the thirty-second session of the Legislature.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.



## CHAPTER XLIII.

*An Act to provide for an appropriation for the contingent expenses of the Assembly.*

[Approved February 26, 1897.]

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

SECTION 1. The sum of twenty thousand dollars (\$20,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the thirty-second session of the Legislature. Appropriation for contingent expenses of Assembly.

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

## CHAPTER XLIV.

*An Act to amend sections seven hundred and two and seven hundred and three of the Code of Civil Procedure, relating to the redemption of property sold on execution.*

[Approved February 26, 1897.]

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

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

702. The judgment debtor, or redemptioner, may redeem the property from the purchaser any time within twelve months after the sale on paying the purchaser the amount of his purchase, with one per cent per month thereon in addition, up to the time of redemption, together with the amount of any assessment or taxes which the purchaser may have paid thereon after purchase, and interest on such amount. And if the purchaser be also a creditor, having a prior lien to that of the redemptioner, other than the judgment under which said purchase was made, the amount of such lien with interest. Redemption of property, how and when.

SEC. 2. Section seven hundred and three of the Code of Civil Procedure is hereby amended so as to read as follows:

703. If property be so redeemed by a redemptioner, another redemptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner on paying the sum paid on such last redemption, with two per cent thereon in addition, and the amount of any assessment or taxes which the last redemptioner may have paid thereon after the redemption by him, with interest on such amount, and, in addition, the amount of any liens held by said last redemptioner prior to his own, with interest; but the judgment under which the Another redemptioner may redeem.

property was sold need not be so paid as a lien. The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption, on paying the sum paid on the last previous redemption, with two per cent thereon in addition, and the amounts of any assessments or taxes which the last previous redemptioner paid after the redemption by him, with interest thereon, and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own, with interest. Written notice of redemption must be given to the Sheriff and a duplicate filed with the Recorder of the county, and if any taxes or assessments are paid by the redemptioner, or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the Sheriff and filed with the Recorder; and if such notice be not filed, the property may be redeemed without paying such tax, assessment, or lien. If no redemption be made within twelve months after the sale, the purchaser, or his assignee, is entitled to a conveyance; or if so redeemed, whenever sixty days have elapsed, and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner, or his assignee, is entitled to a Sheriff's deed; but, in all cases, the judgment debtor shall have the entire period of twelve months from the date of the sale to redeem the property. If the judgment debtor redeem, he must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate. Upon a redemption by the debtor, the person to whom the payment is made must execute and deliver to him a certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the Recorder of the county in which the property is situated, and the Recorder must note the record thereof in the margin of the record of the certificate of sale.

Written notice to Sheriff. To be filed with Recorder.

Sheriff's deed

Certificate of redemption.

SEC. 3. This Act shall take effect immediately.

## CHAPTER XLV.

*An Act making an appropriation for the contingent expenses of the Senate for the thirty-second session of the Legislature.*

[Approved February 26, 1897.]

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

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the Sen-

Appropriation for contingent expenses of Senate.

ate for the thirty-second session of the Legislature; and the Controller of State is authorized to draw his warrants for the same, and the Treasurer of State is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XLVI.

*An Act to amend section eleven hundred and eighty-nine of the Civil Code, relating to the acknowledgment of instruments.*

[Approved February 26, 1897.]

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

SECTION 1. Section eleven hundred and eighty-nine of the Civil Code of the State of California is hereby amended so as to read as follows:

1189. The certificate of acknowledgment, unless it is otherwise in this article provided, must be substantially in the following form: "State of \_\_\_\_\_, County of \_\_\_\_\_, ss. On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me (here insert name and quality of the officer), personally appeared \_\_\_\_\_, known to me (or proved to me on the oath of \_\_\_\_\_) to be the person whose name is subscribed to the within instrument, and acknowledged that he (she or they) executed the same." *Provided, however,* that any acknowledgment taken without this State in accordance with the laws of the place where the acknowledgment is made, shall be sufficient in this State; *and provided further,* that the certificate of the clerk of a court of record of the county or district where such acknowledgment is taken, that the officer certifying to the same is authorized by law so to do, and that the signature of the said officer to such certificate is his true and genuine signature, and that such acknowledgment is taken in accordance with the laws of the place where the same is made, shall be prima facie evidence of the facts stated in the certificate of said clerk.

Form of  
certificate  
of ac-  
knowl-  
edgment.

Outside  
of State.

Certificate  
of clerk  
of court.

## CHAPTER XLVII.

*An Act to amend section four hundred and seventy-five of the Code of Civil Procedure of the State of California, relating to errors and defects and reversals of judgments and orders.*

[Approved February 26, 1897.]

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

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

Errors and defects and reversal of judgment.

475. The court must, in every stage of an action, disregard any error, improper ruling, instruction, or defect, in the pleadings or proceedings which, in the opinion of said court, does not affect the substantial rights of the parties. No judgment, decision, or decree shall be reversed or affected by reason of any error, ruling, instruction, or defect, unless it shall appear from the record that such error, ruling, instruction, or defect was prejudicial, and also that by reason of such error, ruling, instruction, or defect, the said party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error, ruling, instruction, or defect had not occurred or existed. There shall be no presumption that error is prejudicial, or that injury was done if error is shown.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XLVIII.

*An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor.*

[Approved February 27, 1897.]

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

Ad valorem tax for University.

SECTION 1. In addition to all other sources and means of support, maintenance, advantage, and improvement of the University of California, 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 use and support of the University of California.

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.

Duty  
of State  
Board of  
Equaliza-  
tion.

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 be by the State Treasurer converted into the "state university fund."

"State  
University  
Fund."

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 said fund, the same may be drawn out upon the order of the board of regents of the University 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 said "state university fund," and said treasurer must pay the same.

Money not  
subject to  
super-  
vision of  
Board of  
Examiners.

How  
drawn out.

SEC. 5. The money derived from said fund must be applied only to the uses and purposes of the University of California, 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; *provided*, that not less than one half of the revenues raised hereunder, during the first ten fiscal years after this Act takes effect, shall be devoted solely to the purposes of acquiring lands, buildings, and permanent improvements for the university.

Applica-  
tion of  
money in  
fund.

SEC. 6. This Act shall take effect immediately.

## CHAPTER XLIX.

*An Act to authorize cities and towns owning public parks outside of their limits, to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose.*

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

SECTION 1. It shall be lawful for the Council, Board of Trustees, or other governing body of any city or town, to lay out, open, construct, and cause to be constructed, maintain, and control all roads, streets, and boulevards, which may be

City may  
construct  
and control  
certain  
streets and  
boulevards.

necessary or requisite for the purpose of connecting such city or town with any public park situated wholly or partly outside of the limits of such city or town, of which it shall be the owner, and to acquire by gift, purchase, or condemnation, in the manner required by the law of eminent domain, any land or rights of way lying between the limits of such city or town and the exterior limits of such park, for the purposes aforesaid.

SEC. 2. This Act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 1, 1897.]

## CHAPTER L.

*An Act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns leading to public parks owned thereby.*

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

City may grant railroad franchises outside city limits.

SECTION 1. It shall be lawful for the Council, Trustees, or other governing body of any city or town owning public parks situated outside of said city or town, to grant franchises for the building and operation of railroads from any point in, or at the exterior boundary of such city or town, to, in, or through such park, in the same manner and to the same extent as it now has power to grant the same for street railroads within the limits of such city or town; *provided*, that in addition to all other conditions, it shall be made a condition of such franchise that the fare of passengers on such road or roads shall never exceed five cents for a single trip.

Fare

Government of railroads and sale of franchise, etc.

SEC. 2. All railroads, except as otherwise provided in this Act, authorized by this Act, to be so chartered shall be governed by the provisions of part four, title four, of the Civil Code of California, concerning street railroads and corporations, so far as the same shall be applicable thereto, and of all Acts amendatory thereof. Also, by the provisions of "An Act providing for the sale of railroad and other franchises in municipalities and relative to granting of franchises," approved March twenty-third, eighteen hundred and ninety-three.

SEC. 3. This Act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 1, 1897.]

## CHAPTER LI.

*An Act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same.*

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

SECTION 1. The municipal authority of the several cities and towns in this State, which now own or shall hereafter own any parks situated outside of the limits of such city or town, shall have the same power, authority, and jurisdiction over such parks, and over streets and avenues leading therefrom to said parks, and over persons and property therein, as they now or hereafter may have over said cities and towns and over persons and property therein; and the local courts of said cities and towns shall have the same jurisdiction, both civil and criminal, over said parks, streets, and avenues, and over persons and property therein, as they may have over the parks, streets, and avenues within such cities or towns respectively.

Jurisdiction of cities and towns over parks beyond city limits.

SEC. 2. This Act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 1, 1897.]

## CHAPTER LII.

*An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.*

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

SECTION 1. The Supreme Court of the State of California shall, immediately upon the expiration of the term of office of the present Supreme Court Commissioners, appoint five persons of legal learning and personal worth as commissioners of said court. It shall be the duty of said commissioners, under such rules and regulations as said court may adopt, to assist in the performance of its duties, and in the disposition of the numerous causes now pending in said court undetermined. The said commissioners shall hold office for the term of two years from and after their appointment, during which time they shall not engage in the practice of the law. They shall each receive a salary equal to the salary of a judge of said court, payable at the same time and in the same manner. Before entering upon the discharge of their duties, they shall each take an oath to support the Constitution of the United States and the Consti-

Supreme Court Commissioners.

Duty.

Salary.

Oath.

tution of the State of California, and to faithfully discharge the duties of the office of Commissioner of the Supreme Court to the best of their ability. The said court shall have power to remove any and all members of said commission at any time, by an order entered on the minutes of said court, and all vacancies in said commission shall be filled in like manner.

Secretary. SEC. 2. Upon the appointment of said commissioners, as in this Act provided, said court is hereby authorized to appoint a secretary for such commission, who shall hold office during the pleasure of the court, not to exceed the term of said commission, and who shall have a salary of two hundred dollars per month, payable at the same time and in the same manner as said commission.

Appropriation. SEC. 3. The sum of sixty-seven thousand dollars is hereby appropriated out of any money that is, or may be, in the state treasury not otherwise appropriated, for the purpose of paying the salary of said commission and secretary for the remainder of the forty-eighth fiscal year, and for the forty-ninth and fiftieth fiscal years; and the Controller is hereby authorized to draw monthly warrants upon the state treasury in favor of said commissioners and secretary in the sum of five hundred dollars for each of said commissioners, and in the sum of two hundred dollars for said secretary.

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

[Became a law, under constitutional provision, without Governor's approval, March 2, 1897.]

### CHAPTER LIII.

*An Act providing for the election or appointment of a separate Judge of the Superior Court for each of the Counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such judges.*

[Approved March 2, 1897.]

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

Superior Judges of Yuba and Sutter Counties. SECTION 1. At the general election to be held in the year nineteen hundred and two, and at the general election every six years thereafter, there shall be elected in the County of Yuba one Judge of the Superior Court of the said County of Yuba, and in the County of Sutter one Judge of the Superior Court of the said County of Sutter; each of such judges shall hold such office in and for his respective county for the term prescribed by the Constitution and by law.

Vacancy. SEC. 2. Should a vacancy occur from any cause in the office of Judge of the Superior Courts of the Counties of Yuba and Sutter at any time before the general election to be held in the year nineteen hundred and two, the Governor of this State shall immediately appoint one Judge of the Superior Court of the



County of Yuba, and one Judge of the Superior Court of the County of Sutter, who shall each hold office until the first Monday after the first day of January next succeeding the first general election held after his appointment, and at such general election his successor shall be elected to hold office for the term prescribed by the Constitution and by law.

SEC. 3. The judge so elected for the County of Yuba shall receive an annual salary of four thousand dollars, and the judge so elected or appointed for the County of Sutter shall receive an annual salary of four thousand dollars, and such salary shall be paid in each case, one half by the State, and the other half by the county in which such court is situated, respectively, and at the times and in the manner now provided for the payment of such salary in other counties. Salary.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect immediately.

#### CHAPTER LIV.

*An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by inserting a new section therein, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water.*

[Approved March 2, 1897.]

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

SECTION 1. The Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March twelfth, eighteen hundred and eighty-five, is hereby amended by inserting therein a new section, to be numbered section eleven and one half thereof, as follows: Sale of water.

Section 11½. Nothing in this Act contained shall be construed to prohibit or invalidate any contract already made, or which shall hereafter be made, by or with any of the persons, companies, associations, or corporations described in section two of this Act, relating to the sale, rental, or distribution of water, or to the sale or rental of easements and servitudes of the right to the flow and use of water; nor to prohibit or interfere with the vesting of rights under any such contract. Not retro-active.

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

## CHAPTER LV.

*An Act to amend section five of an Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, approved March 27, 1895.*

[Approved March 2, 1897.]

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

Municipal buildings.

SECTION 1. Section five of "An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes," approved March twenty-seventh, eighteen hundred and ninety-five, is hereby amended to read as follows:

Common Council to advertise for proposals.

Section 5. When work is to be done upon said building or buildings or materials to be furnished, it shall be the duty of the Common Council, Board of Supervisors, or other governing body of such city, or city and county, to advertise for at least ten days in a daily newspaper published and circulated in such city, or city and county, for sealed proposals for doing both said work and furnishing said material. The said work and material shall be of the best quality. The advertisement shall contain a general description of the work to be done and the materials to be furnished, the time within which the same is to be done or furnished, and may refer to plans and specifications for such other details as may be necessary to give a correct understanding regarding the work or materials. The advertisement shall also state the day and an hour of said day within which bids will be received. At the hour and day stated in the advertisement, the said board or body shall proceed to open the bids in the presence of the bidders, and an abstract of each shall be recorded in the minutes by the clerk. A day and hour shall then be fixed for considering the bids and awarding the contract.

Advertisement to state what.

Abstract of bids to be published.

An abstract of said bids, showing the name of each bidder, the price at which work, labor, and materials are offered to be done or furnished by each, and such other things as may be necessary to show or explain the offer, shall be made by the clerk and published for five days in a daily newspaper of general circulation published in such city, or city and county. At the expiration of five days after the first publication of the abstract, on the day and at the hour fixed by said board or body, said board or body shall proceed to consider the several bids and award the contract for doing the work and supplying the material for which proposals are invited, and for none other, to the lowest bidder who shall furnish sufficient sureties to guarantee the performance of the contract; *provided*, the advertisement hereinbefore

Bids to be considered, when.

provided for, shall invite proposals and bids, in one total sum or amount, for the performance of all the work and the furnishing of all the materials called for in the said advertisement for the erection of the entire building or buildings. Said board or body shall have the right to reject any or all bids, when in their judgment the public interests may be thereby promoted. Such contract shall be executed on behalf of such city, or city and county, by the Mayor, or President of the Common Council, Board of Supervisors, or other governing body of such city, or city and county. No change in the plans or specifications shall be made after proposals for doing work and furnishing materials have been called for, nor shall any contractor be allowed a claim for work done or materials furnished in excess of his contract, except on the approval of said Common Council, Board of Supervisors, or other governing body of cities, or cities and counties; *provided*, that the aggregate cost of any change, or changes, shall not exceed the sum of three thousand dollars. All contracts shall be in writing, and shall be carefully drawn by the City Attorney, City and County Attorney, or other law officer of such city, or city and county, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material, and the time within which the same shall be completed; and such penalty for the non-performance of such contract as said board or body may deem just and reasonable. All contracts shall be signed in triplicate—one copy of which, with the plans and specifications of the work to be done, shall be filed with the clerk or secretary of said board or body, and shall at all times, in office hours, be open to the inspection of the public; one, with the plans and specifications, shall be kept in the office of said board or body, and the other copy, with plans and specifications, shall be delivered to the contractor.

Execution of contract.

Changes in plans, etc.

Who shall draw contract.

Plans, specifications, etc., to be in triplicate.

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

#### CHAPTER LVI.

*An Act ceding to the United States of America jurisdiction over all lands within this State which have been or may hereafter be acquired by the United States for military purposes.*

[Approved March 2, 1897.]

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

SECTION 1. The State of California hereby cedes to the United States of America exclusive jurisdiction over all lands within this State now held, occupied, or reserved by the Government of the United States for military purposes or defense, or which may hereafter be ceded or conveyed to said United States for such purposes; *provided*, that a sufficient description

Jurisdiction over certain lands, ceded to the United States.

by metes and bounds and a map or plat of such lands be filed in the proper office of record in the county in which the same are situated; and *provided further*, that this State reserves the right to serve and execute on said lands all civil process, not incompatible with this cession, and such criminal process as may lawfully issue under the authority of this State against any person or persons charged with crimes committed without said lands.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LVII.

*An Act to amend an Act entitled "An Act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889.*

[Approved March 2, 1897.]

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

Police relief fund.

SECTION 1. Section three of the "Act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March fourth, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Qualifications to receive pension.

SECTION 3. Whenever any person at the taking effect of this Act, or thereafter, shall have been duly appointed or selected, and sworn, and have served for twenty years, or more, in the aggregate, as a member, in any capacity or any rank whatever, of the regularly constituted police department of any such county, city and county, city, or town which may hereafter be subject to the provisions of this Act, said board may, if it see fit, order and direct that such person, after becoming sixty years of age, be retired from further service in such police department, and from the date of the making of such order the service of such person in such police department shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one half of the amount of salary attached to the rank which he may have held in said police department for the period of one year next preceding the date of such retirement.

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

Physical disability.

SECTION 4. Whenever any person, while serving as a policeman in any such county, city and county, city, or town, shall become physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duty as such policeman, said board may, upon his written request, or without such request, if it deem it to be for the good

of said police force, retire such person from said department, and order and direct that he shall be paid from said fund, during his lifetime, a yearly pension equal to one half of the amount of salary attached to the rank which he may have held on such police force at the date of such retirement, but on the death of such pensioner his heirs or assigns shall have no claim against or upon such police relief or pension fund; *provided*, that whenever such disability shall cease such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement.

Death of  
benefi-  
ciary.

Pension  
shall cease,  
when.

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

## CHAPTER LVIII.

*An Act to amend section four hundred and seven of the Code of Civil Procedure.*

[Approved March 2, 1897.]

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

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

407. The summons must be directed to the defendant, signed by the clerk, and issued under the seal of the court, and must contain:

Summons  
must  
contain.

1. The names of the parties to the action, the court in which it is brought, and the county in which the complaint is filed;

2. A direction that the defendant appear and answer the complaint within ten days, if the summons is served within the county in which the action is brought; within thirty days, if served elsewhere;

3. A notice that, unless the defendant so appears and answers, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint.

## CHAPTER LIX.

*An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.*

[Approved March 2, 1897.]

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

SECTION 1. It shall be unlawful for any person, either individually or as an officer or member of any committee or association, to demand or solicit of any candidate for the Legislature, or of any candidate for Supervisor, or of any candidate for

Candidates  
not to be  
solicited.

School Director, or of any candidate for any legislative body, that he shall vote for any particular bill or specific measure which may come before any such legislative body to which he may be elected; *provided always*, that this inhibition shall not in any case apply to the pledges exacted of a candidate by the platform or resolutions of any convention by which any such candidate may be nominated.

Not to sign  
pledges.

SEC. 2. It shall be unlawful for any candidate for the Legislature, or for any candidate for Supervisor, or for any candidate for School Director, or for any candidate for any other legislative body, to sign or give any pledge that he will vote for or against any particular bill or specific measure that may be brought before any such legislative body; *provided always*, that this prohibition shall not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who may sign a certificate for his nomination.

Penalty.

SEC. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and any candidate violating any provision of this Act shall, in addition, be disqualified from holding the office to which he may be elected.

## CHAPTER LX.

*An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.*

[Approved March 3, 1897.]

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

Salaries of  
fire depart-  
ment in  
cities of  
first class.

SECTION 1. In municipalities of the first class the following officers of its fire department shall receive the following salaries:

Chief engineer, five thousand dollars.

Assistant chief engineer, three thousand six hundred dollars.

Secretary, or clerk, three thousand dollars.

Assistant engineers, two thousand one hundred dollars each.

Veterinary surgeon, one thousand eight hundred dollars.

Said salaries shall be paid in the same manner as is now provided by law.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXI.

*An Act relating to pension matters and claims against counties.*

[Approved March 3, 1897.]

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

SECTION 1. No fees or other compensation shall be collected for services rendered in an affidavit or application relating to the securing of a pension, or for the payment of a pension voucher, or any matters relating thereto, nor filing, nor swearing to any claim or demand against any county in this State. Fees in pension claims.

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

## CHAPTER LXII.

*An Act to amend section nine hundred and thirty-nine of the Code of Civil Procedure.*

[Approved March 3, 1897.]

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

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

939. An appeal may be taken:

1. From a final judgment in an action or special proceeding commenced in the court in which the same is rendered, within six months after the entry of judgment. But an exception to the decision or verdict, on the ground that it is not supported by the evidence, cannot be reviewed on an appeal from the judgment, unless the appeal is taken within sixty days after the rendition of the judgment; Appeal may be taken.

2. From a judgment rendered on an appeal from an inferior court, within ninety days after the entry of such judgment; Judgment.

3. From an order granting or refusing a new trial; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order appointing a receiver; from an order dissolving or refusing to dissolve an attachment; from an order granting or refusing to grant a change of the place of trial; from any special order made after final judgment; from an interlocutory judgment in actions for partition of real property; and from an order confirming, changing, modifying, or setting aside the report, in whole or in part, of the referees in actions for partition of real property in the cases mentioned in section seven hundred and sixty-three of this Code, within sixty days after the order or interlocutory judg- Orders, etc.

ment is made and entered in the minutes of the court, or filed with the clerk.

### CHAPTER LXIII.

*An Act to add a new section to the Penal Code of the State of California, to be known and designated as section one hundred and eighty, relating to the acceptance and holding of private deposits of moneys in the county treasury by the County Treasurers.*

[Approved March 3, 1897.]

*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 and designated as section one hundred and eighty, to read as follows:

County  
Treasurer  
shall not  
receive  
private  
moneys  
on deposit.

180. Any County Treasurer who shall accept, or allow, any deposit in the county treasury of moneys from any private and unofficial source, is guilty of misdemeanor, and shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or by a fine of not less than five hundred dollars and not more than five thousand dollars, or both such fine and imprisonment, in the discretion of the court, and, in addition thereto, shall forfeit his office.

SEC. 2. This Act shall take effect immediately.

### CHAPTER LXIV.

*An Act to amend section nine hundred and forty-three of the Code of Civil Procedure.*

[Approved March 3, 1897.]

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

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

When  
order or  
judgment  
may be  
stayed.

943. If the judgment or order appealed from direct the assignment or delivery of documents or personal property, the execution of the judgment or order cannot be stayed by appeal, unless the things required to be assigned or delivered be placed in the custody of such officer or receiver as the court may appoint, or unless an undertaking be entered into on the part of the appellant, with at least two sureties, and in such amount as the court, or a judge thereof, may direct, to the effect that the appellant will obey the order of the appellate court upon the appeal. If the judgment or order appealed from



appoint a receiver, the execution of the judgment or order cannot be stayed by appeal, unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that if such judgment or order be affirmed or the appeal dismissed, the appellant will pay all damages which the respondent may sustain by reason of such stay, not exceeding an amount to be fixed by the judge of the court by which the judgment was rendered or order made, which amount must be specified in the undertaking. If the judgment or order appealed from direct the sale of personal property upon the foreclosure of a mortgage thereon, the execution of the judgment or order cannot be stayed on appeal, unless an undertaking be entered into on the part of the appellant, with at least two sureties, in such amount as the court, or the judge thereof, may direct, to the effect that the appellant will, on demand, deliver the mortgaged property to the proper officer if the judgment be affirmed, or in default of such delivery that the appellant and sureties will, on demand, pay to the proper officer the full value of such property at the date of the appeal.

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CHAPTER LXV.

*An Act to amend an Act entitled "An Act to create and organize the University of California," approved March 23, 1868, and an Act amendatory of section twenty-five thereof, approved March 28, 1872, relating to the construction of buildings.*

[Approved March 3, 1897.]

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

SECTION 1. Section twenty-five of said Act, approved March twenty-third, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Section 25. The regents shall devise, and cause to be constructed, such buildings as shall be needed for the use of the University of California. Such a plan shall be adopted that separate buildings may be constructed and set aside for separate uses, yet such buildings shall be grouped upon a general plan so that such buildings may harmonize therewith, and be a part of one design. The construction and equipment of the buildings shall in every instance be let upon specifications and advertisement of not less than ten days in at least two daily newspapers of the City and County of San Francisco, to the lowest responsible bidder upon sealed proposals. The regents may require adequate security from all bidders, and shall have power to reject any and all bids and advertise anew. They shall take measures for the immediate and permanent improvement of the grounds of the university, and may make such contracts therefor, or for any part thereof, as they may deem advisable. The provisions of all Acts for the erection of

Construction of buildings for University of California.

state buildings, or the improvement of state grounds, in conflict with this Act, shall not apply to the grounds and buildings of the University of California.

SEC. 2. This Act to take effect immediately.

CHAPTER LXVI.

*An Act to amend section fifteen hundred and seventy-five of the Code of Civil Procedure.*

[Approved March 3, 1897.]

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

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

1575. When a sale has been made by an executor or administrator of any property of the estate, real or personal, he must return to the court, within thirty days thereafter, an account of sales, verified by his affidavit, or in case of his absence from the county, or other inability, by the affidavit of his attorney. If he neglects to make such return, he may be punished by attachment, or his letters may be revoked, one day's notice having been first given him to appear and show cause why such attachment should not issue, or such revocation should not be made.

Executor or administrator must make returns of sales of property.

Penalty for neglect

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVII.

*An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as sections six hundred and sixty-three and six hundred and sixty-three and one half, respectively, providing for the setting aside of a judgment of a Superior Court and the rendition of a new judgment without a new trial.*

[Approved March 3, 1897.]

*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 Code of Civil Procedure, next after section six hundred sixty-two, and included in part two, title eight, chapter seven, and to be numbered and designated as sections six hundred sixty-three and sections six hundred sixty-three and one half, respectively, to read as follows:

Judgment may be set aside, when.

663. A judgment or decree of a Superior Court, when based upon findings of fact made by the court, or the special verdict

of a jury, may, upon motion of the party aggrieved, be set aside and vacated by the same court, and another and different judgment entered, for either of the following causes, materially affecting the substantial rights of such party and entitling him to a different judgment:

1. Incorrect or erroneous conclusions of law not consistent with or not supported by the findings of fact; and in such case when the judgment is set aside, the conclusions of law shall be amended and corrected.

2. A judgment or decree not consistent with or not supported by the special verdict.

663½. The party intending to make the motion mentioned in the last section must, within ten days after notice of the rendition of judgment or decree, serve upon the adverse party and file with the clerk of the court a notice of his intention, designating the grounds upon which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts, or in which the judgment or decree is not consistent with the special verdict. The said party must, within sixty days after giving such notice of intention, make the motion to the court, after giving due notice of the time of making such motion to the adverse party; but the hearing or consideration of such motion may be further continued by the court.

Party making motion shall file notice, etc.

SEC. 2. This Act shall go into effect upon its passage.

## CHAPTER LXVIII.

*An Act to amend section one thousand two hundred and thirteen of the Civil Code of the State of California, relative to the recording of conveyances.*

[Approved March 3, 1897.]

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

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

1213. Every conveyance of real property, acknowledged or proved, and certified and recorded, as prescribed by law, from the time it is filed with the Recorder for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees; and a certified copy of any such recorded conveyance may be recorded in any other county, and when so recorded the record thereof shall have the same force and effect as though it was of the original conveyance.

Conveyance filed with Recorder is constructive notice, etc.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXIX.

*An Act to amend sections five hundred and sixty-six and six hundred and forty-one of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, in relation to receivers and referees.*

[Approved March 3, 1897.]

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

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

Consanguinity or affinity, bar to appointment as receiver.

566. No party, or attorney, or person interested in an action, or related to any judge of the court by consanguinity or affinity within the third degree, can be appointed receiver therein without the written consent of the parties, filed with the clerk. If a receiver be appointed upon an ex parte application, the court, before making the order, may require from the applicant an undertaking, with sufficient sureties, in an amount to be fixed by the court, to the effect that the applicant will pay to the defendant all damages he may sustain by reason of the appointment of such receiver and the entry by him upon his duties, in case the applicant shall have procured such appointment wrongfully, maliciously, or without sufficient cause; and the court may, in its discretion, at any time after said appointment, require an additional undertaking.

SEC. 2. Section six hundred and forty-one of the Code of Civil Procedure is amended to read as follows:

Grounds for objection to appointment

641. Either party may object to the appointment of any person as referee, on one or more of the following grounds:

1. A want of any of the qualifications prescribed by statute to render a person competent as a juror;
2. Consanguinity, or affinity, within the third degree, to either party, or to any judge of the court in which the appointment shall be made;
3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party; or being a member of the family of either party; or a partner in business with either party; or being security on any bond or obligation for either party;
4. Having served as a juror or been a witness on any trial between the same parties for the same cause of action;
5. Interest on the part of such person in the event of the action, or in the main question involved in the action;
6. Having formed or expressed an unqualified opinion or belief as to the merits of the action;
7. The existence of a state of mind in such person evincing enmity against or bias to either party.

## CHAPTER LXX.

*An Act to provide for increasing the efficiency of fire departments within municipalities of the first class in the State of California.*

[Approved March 4, 1897.]

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

SECTION 1. Whenever the public interest, safety, or convenience may require, or it be deemed expedient, the City Council of any municipality of the first class may, by ordinance, make and enforce such rules and regulations within said municipality as may be necessary or proper for increasing the efficiency of its fire department, and to that end, among other things, may provide for and authorize the appointment and continued employment of such officers, engineers, members, firemen, employés, and other help in and for said fire department, in addition to those whose employment is now or may be hereafter authorized by law, as the needs of said department may require; and may fix their salaries and compensation, and may increase the salaries and compensation of the officers, engineers, members, firemen, employés, and other help now or hereafter authorized by law, whose salaries and compensation, as now or hereafter fixed, may be deemed inadequate. And said City Council may in like manner provide for the purchase and repair, and authorize to be purchased and kept in repair, in addition to those for the purchase and repair of which provision is now or may be hereafter made by law, all additional engines, horses, hook-and-ladder wagons, and all such other engines, machinery, implements, extinguishers, and other apparatus that may be necessary, advantageous, or auxiliary, to extinguish or afford adequate protection against fire. And in order to provide the necessary funds with which to accomplish the foregoing ends, may make all necessary and supplementary appropriations, allowances, and payments in addition to those now or hereafter authorized by law.

Providing for organization of fire department.

Purchase of apparatus, etc.

SEC. 2. The officers, engineers, members, firemen, employés, and other help to be appointed as provided in section one of this Act, shall be appointed, governed, and controlled in the same manner and by the same laws as their fellow officers, engineers, members, firemen, employés, and other help whose appointment is now or may be hereafter authorized by law are appointed, governed, and controlled. The engines, wagons, machinery, implements, extinguishers, and other apparatus, the purchase and repair of which are authorized by section one of this Act, shall be purchased and repaired in like manner and under the same regulations as like articles, the purchase and repair of which are now or may be hereafter authorized by law are purchased and repaired.

Control of appointees.

SEC. 3. The term "City Council" as used in this Act is hereby declared to include any body or bodies, board or boards,

"City Council" defined.

which, under law, constitute the legislative department of any municipality of the first class.

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

### CHAPTER LXXI.

*An Act to amend section one thousand seven hundred and twenty-three of the Code of Civil Procedure, relating to the disposition of life estates or homestead or community property on owner's death in certain cases.*

[Approved March 4, 1897.]

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

SECTION 1. Section one thousand seven hundred and twenty-three of the Code of Civil Procedure shall be amended so as to read as follows:

Disposi-  
tion of life  
estates and  
home-  
steads in  
certain  
cases

1723. If any person has died or shall hereafter die who at the time of his death was the owner of a life estate which terminates by reason of the death of such person, or if such person at the time of his death was one of the spouses owning and occupying lands as a homestead, which lands by reason of the death of such person, vests in the surviving spouse; or if such person was a married woman who at time of her death was the owner of community property which passed upon her death to the surviving husband; any person interested in the property, or in the title thereto, in which such estates or interests were held, may file in the Superior Court of the county in which the property is situated, his verified petition setting forth such facts, and thereupon and after such notice, by publication or otherwise, as the court may order, the court shall hear such petition and the evidence offered in support thereof, and if upon such hearing it shall appear that such life estate of such deceased person absolutely terminated by reason of his death, or such homestead or community property vested in the survivor of such marriage, the court shall make a decree to that effect, and thereupon a certified copy of such decree may be recorded in the office of the County Recorder, and thereafter shall have the same effect as a final decree of distribution so recorded.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXII.

*An Act to amend section one hundred and sixty-four of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.*

[Approved March 4, 1897.]

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

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

164. All other property acquired after marriage by either husband or wife, or both, is community property; but whenever any property is conveyed to a married woman by an instrument in writing, the presumption is that the title is thereby vested in her as her separate property. And in case the conveyance be to such married woman and to her husband, or to her and any other person, the presumption is that the married woman takes the part conveyed to her, as tenant in common, unless a different intention is expressed in the instrument, and the presumption in this section mentioned is conclusive in favor of a purchaser or incumbrancer in good faith and for a valuable consideration. And in cases where married women have conveyed, or shall hereafter convey, real property which they acquired prior to May nineteenth, eighteen hundred and eighty-nine, the husbands, or their heirs or assigns, of such married women, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property, as follows: As to conveyances heretofore made, from and after one year from the date of the taking effect of this Act; and as to conveyances hereafter made, from and after one year from the filing for record in the Recorder's office of such conveyances, respectively.

Conveyances of real estate by married women.

Time limit for bringing action.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXIII.

*An Act to amend section three thousand six hundred and thirty-three of the Political Code of the State of California, relating to the assessment of property of persons neglecting or refusing to make and give to the Assessor a statement of his property.*

[Approved March 4, 1897.]

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

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

Neglecting  
or refusing  
to give  
statement  
to Assessor

3633. If any person, after demand made by the Assessor, neglects or refuses to give, under oath, the statement herein provided for, or to comply with the other requirements of this title, the Assessor must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of such property of such person, and the Assessor must transmit on or before the first day of July of each year to the Board of Supervisors a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property as herein provided for, or to comply with the requirements of this title, the amount of the assessment upon the property of such persons, with a statement of the particular facts, if any, upon which the assessment has been made, and the valuation of the property so assessed ascertained. The Board of Supervisors must investigate and inquire into all assessments and values so fixed by the Assessor, as prescribed by this section, and for that purpose must require each taxpayer affected by such assessment and valuation to make a statement under oath, within ten days from making an order requiring such statement, setting forth specifically, all the property owned or controlled, or in the possession of such taxpayer on the first Monday of March. If any taxpayer, after demand made by the Board of Supervisors, shall neglect or refuse to make and deliver to the said Board of Supervisors the statement, duly verified, herein provided for, or to comply with the other requirements of this title, the said Board of Supervisors, sitting as a county board of equalization, must increase such assessment and valuation to such an amount as the said board shall deem just; but the value fixed by the Assessor must not, in any case, be reduced by the Board of Supervisors.

Duty of Su-  
pervisors.

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

#### CHAPTER LXXIV.

*An Act to amend section one thousand two hundred and seven of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.*

[Approved March 4, 1897.]

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

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

Validating  
defective  
certifi-  
cates of ac-  
knowledg-  
ment.

1207. Any instrument affecting real property, which was, previous to the first day of January, one thousand eight hundred and ninety-seven, copied into the proper book of record, kept in the office of any County Recorder, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect,



omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein shall be deemed to affect the rights of purchasers or incumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded; *provided*, it be first shown that the original instrument was genuine.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXV.

*An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor.*

[Approved March 4, 1897.]

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

SECTION 1. That for the purposes of this Act, every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter; and designed to be used as a substitute for butter made from pure milk or cream from the same, is hereby declared to be imitation butter; and that for the purposes of this Act, every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of cheese, and designated to be used as substitute for cheese made from pure milk or cream from the same, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; and *provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

SEC. 2. No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, or use, or serve to patrons, guests, boarders, or inmates, in any hotel, eating-house, restaurant, public conveyance or boarding-house, or public or private hospital, asylum, or eleemosynary or penal institution, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream from the same; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation, or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate

and distinct form, and in such a manner as will advise the consumer of its real character, free from coloration, or ingredients, that causes it to look like butter or cheese made from pure milk or cream, the product of the dairy.

Imitation  
product  
must be  
branded.

SEC. 3. Each person who, by himself or another, lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall not be less than one inch in height by one half inch in width, and in addition to the above shall prepare a statement, printed in plain Roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package as is commonly and most conveniently opened; and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "substitute for butter," or "substitute for cheese."

Duty of  
common  
carriers.

SEC. 4. No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section three of this Act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, consigned, and by the carrier received for by its true name; *provided*, that this Act shall not apply to any goods in transit between foreign States and across the State of California.

Descrip-  
tive state-  
ment must  
be exposed

SEC. 5. No person, or his agent, shall knowingly have in his possession or under his control any substance designed to be used as a substitute for butter and cheese, unless the tub, firkin, box, or other package containing the same, shall be clearly and durably marked and contain a copy of the statement and be labeled as provided by section three of this Act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in section three of this Act shall be kept, with its face up, upon the exposed contents of said tub, firkin, box, or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

SEC. 6. No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of, any substance designed to be used as a substitute for butter or cheese, under the name of or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section three of this Act; and no person shall use in any way, in connection or association with the sale, or exposure for sale, or advertisement, of any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

Imitation product must be sold as such.

SEC. 7. No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter, or other place of public entertainment, or any person having charge thereof, or employed thereat, or any person furnishing board for others than members of his own family, or for any employes where such board is furnished as the compensation or as a part of the compensation of any such employe, shall place before any patron or employe, for use as food, any substance designed to be used as a substitute for butter and cheese, unless the same be accompanied by a copy of the statement described in section three of this Act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Duty of restaurant-keepers.

SEC. 8. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this Act by or through any person who was knowingly a party to such wrongful sale or other contract.

Actions.

SEC. 9. Every person having possession or control of any substance designed to be used as a substitute for butter or cheese which is not marked as required by the provisions of this Act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

Presumptive evidence.

SEC. 10. No person shall efface, erase, cancel, or remove any mark, statement, or label provided for by this Act, with intent to mislead, deceive, or to violate any of the provisions of this Act.

Erasure of label.

SEC. 11. No butter or cheese not made wholly from pure milk or cream, salt, harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the State.

Use of pure article in State institutions.

SEC. 12. Whoever shall violate any of the provisions or sections of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished, for the first offense, by a fine of not less than fifty dollars, nor more than one hun-

Penalties.

dred and fifty dollars, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine of not less than one hundred and fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court. One half of all the fines collected under the provisions of this Act shall be paid to the person or persons furnishing information upon which conviction is procured.

Possession  
presump-  
tive evi-  
dence.

Samples  
for  
analysis.

SEC. 13. Whoever shall have possession or control of any imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, contrary to the provisions of this Act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, of part two, of an Act to establish a Penal Code; *provided*, that it shall be the duty of the officer who serves a search warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the agent of the Dairy Bureau, or to any person by such Dairy Bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section fifteen hundred and thirty-six of an Act to establish a Penal Code; but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

Duty of  
District  
Attorney.

SEC. 14. It shall be the duty of the District Attorney, upon the application of the Dairy Bureau, to attend to the prosecution, in the name of the State, of any suit brought for the violation of any of the provisions of this Act within his district.

State Dairy  
Bureau

SEC. 15. The Governor shall, on or before the first day of July, eighteen hundred and ninety-seven, appoint three resident citizens of this State, who shall have practical experience in the manufacture of dairy products, to constitute a State Dairy Bureau, and which shall succeed the one now in existence in every respect. Members of this bureau shall hold office for the period of four years from and after the first day of July, eighteen hundred and ninety-seven, and until their successors are appointed and qualified; *provided*, that the first members appointed under the provisions of this Act shall at their first meeting so classify themselves by lot as that one shall go out of office at the expiration of two years, one at the expiration of three years, and the other at the expiration of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members of said bureau shall serve

Tenure of  
office.

without compensation, and within twenty days after their appointment, shall take the oath of office as required by the Constitution, and they shall thereupon meet and organize by electing a chairman and treasurer. Any one of them may be removed by the Governor, for neglect or violation of duty. They shall make a report in detail to the Legislature not later than the first day of December next preceding the meetings thereof.

Organiza-  
tion.

Report.

SEC. 16. It shall be the duty of the State Dairy Bureau to secure, as far as possible, the enforcement of this Act. The State Dairy Bureau shall have power to employ an agent at a salary of twelve hundred dollars a year, and such assistants or chemists, as from time to time may be necessary therefor.

Agent and  
salary.

SEC. 17. There is hereby appropriated for the use of this State Dairy Bureau, out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for each fiscal year hereafter, and commencing with the forty-ninth fiscal year. All salaries, fees, costs, and expenses of every kind incurred in the carrying out of the law shall be drawn from the sum so appropriated, and the State Controller shall draw his warrant on the State Treasurer in favor of the person entitled to the same.

Appropriations.

SEC. 18. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 19. This Act shall take effect immediately.

## CHAPTER LXXVI.

*An Act defining the different grades of cheese, and for branding the same, manufactured in the State of California.*

[Approved March 4, 1897.]

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

SECTION 1. Every person or persons, firm or corporation, who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the State of California, shall, at the place of manufacture, brand distinctly and durably on the bandage of each and every cheese manufactured, and upon the package or box when shipped, the grade of cheese manufactured, as follows: "California Full-Cream Cheese," "California Half-Skim Cheese," and "California Skim Cheese."

Branding  
grades of  
cheese.

SEC. 2. All brands for branding the different grades of cheese shall be procured from the State Dairy Bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section one of this Act. The State Dairy Bureau shall keep a record of each and every brand issued, and the name

Brands to  
be pro-  
cured from  
State Dairy  
Bureau.

and location of the manufacturer receiving the same. No manufacturer of cheese in the State of California, other than the one to whom such brand is issued, shall use the same, and, in case of a change of location, the party shall notify the bureau of such change.

Defining  
grades of  
cheese.

SEC. 3. The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than thirty per cent of butter fat, shall be branded as "California Full-Cream Cheese"; and such cheese only as shall be made from pure milk, and having not less than fifteen per cent of butter fat, shall be branded "California Half-Skim Cheese"; and such cheese only as shall be made from pure skim-milk shall be branded "California Skim Cheese"; *provided*, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," Swiss, or hand-made cheese, not made by the ordinary Cheddar process.

No sales  
without  
official  
brand

SEC. 4. No person or persons, firms or corporations, shall sell, or offer for sale, any cheese, manufactured in the State of California, not branded by an official brand and of the grade defined in section three of this Act.

Penalties.

SEC. 5. Whoever shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), or by imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or by imprisonment in the county jail not less than fifty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

SEC. 6. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 7. This Act shall take effect sixty days after its passage.

## CHAPTER LXXVII.

*An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.*

[Approved March 4, 1897]

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

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

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Right of  
eminent  
domain  
may be  
exercised  
in behalf  
of, what.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States. Right of eminent domain.

2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislature of this State.

3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town, or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the inhabitants of any county, incorporated city, or city and county, village, or town, or for draining any county, incorporated city, or city and county, village, or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels, roads, streets, and alleys, and all other public uses for the benefit of any county, incorporated city, or city and county, village, or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll-roads, by-roads, plank and turnpike roads; paths and roads, either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motor-cycles, and other horseless vehicles; steam, electric, and horse railroads; canals, ditches, dams, pondings, flumes, aqueducts, and pipes, for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. By-roads leading from highways to residences, farms, mines, mills, factories, and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph lines.

8. Sewerage of any incorporated city, or city and county, or of any village, or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the State, or to any college or university.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe-lines.

11. Roads for logging or lumbering purposes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes, for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for the supplying of mines, quarries, railroads, tramways,

mills, and factories with electrical power, and also for the supplying electricity to light or heat mines, quarries, mills, factories, incorporated cities, cities and counties, villages, or towns, together with lands, buildings, and all other improvements in or upon which to erect, install, place, use, or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

13. Electric light lines.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXVIII.

*An Act to regulate the salaries of certain officers in the police department within municipalities of the first class in the State of California, and to provide for the appointment and salaries of other officers of such departments.*

[Approved March 8, 1897.]

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

Salaries of  
police  
officers.

SECTION 1. In every municipality of the first class in this State, salaries shall be allowed and paid to the following officers of the police department of such municipality, as in this Act provided:

To the chief of police, five thousand dollars per annum.

To the captain of detectives of police department, three thousand dollars per annum.

To six captains of police, twenty-five hundred dollars per annum each.

To the clerk of the chief of police and board of police commissioners, twenty-five hundred dollars per annum.

To the property clerk of the police department, twenty-five hundred dollars per annum.

To fifteen police officers who shall be known and designated as detectives, detailed as such by the chief of police of the police department of such municipality, to perform detective duty, one thousand eight hundred dollars per annum each.

Officers de-  
tailed for  
detective  
duty.

SEC. 2. Upon petition of the chief of police of the police department in any such municipality, addressed to the Board of Supervisors or City Council of such municipality, such Board of Supervisors or City Council may, when in its judgment the public welfare requires it, authorize such chief of police of the police department to detail additional police officers to perform detective duty, who shall receive the same salary as detectives in section one provided for.

Payment  
of salaries.

SEC. 3. All of the salaries provided for in this Act shall be paid at the same time and in the same manner and out of the same fund as they have been paid to members of the police department prior to the passage of this Act.



SEC. 4. All Acts and parts of Acts in conflict with or inconsistent with this Act are hereby repealed.

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

### CHAPTER LXXIX.

*An Act to amend section four hundred and fifty-six of the Civil Code, relating to railroads.*

[Approved March 9, 1897.]

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

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

456. Railroad corporations may borrow, on the credit of the corporation, and under such regulations and restrictions as the board of directors thereof, by unanimous concurrence, may impose, such sums of money as may be necessary for constructing and completing their railroad, with its equipments, and for the purchase of all necessary rolling stock and all else relative thereto, and may issue promissory notes therefor, or may issue and dispose of bonds to raise moneys necessary to pay therefor, in denominations of not less than five hundred dollars, at a rate of interest not exceeding ten per cent per annum; and may also issue bonds, or promissory notes, of the same denomination and rate of interest, in payment of any debts or contracts for constructing and completing their road, with its equipments and rolling stock, and all else relative thereto, and for the purchase of railroads and other property within the purposes of the corporation. The amount of bonds, or promissory notes, issued for such purposes, must not exceed in all the amount of their capital stock; and to secure the payment of such bonds, or notes, they may mortgage their corporate property and franchises, or may secure the payment of such bonds or notes by deed of trust of their corporate property and franchises. Any person or corporation formed under the laws of this State, or of any other State within the United States, that the directors of the railroad corporation may, by unanimous concurrence, select, may be trustees in such deed of trust.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXX.

*An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses.*

[Approved March 9, 1897.]

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

Commissioners for promotion of uniform legislation.

SECTION 1. Within thirty days after the passage of this Act the Governor shall appoint three commissioners, who are hereby constituted a board of commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States." It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution and probate of wills, and other subjects, to ascertain the best means to effect an assimilation and uniformity in the laws of the States, and to represent the State of California in conventions of like commissions to consider and draft uniform laws to be submitted for the approval and adoption of the several States; and to devise and recommend such other course of action as shall best accomplish the purpose of this Act.

Compensation.

SEC. 2. That said commission shall be allowed, for their traveling and other expenses in effectuating the object of this Act, a sum not exceeding five hundred dollars in the aggregate for any one year.

Appropriation.

SEC. 3. The sum of one thousand dollars is hereby appropriated for the expenses of said commission out of any moneys not otherwise appropriated.

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

## CHAPTER LXXXI.

*An Act relinquishing to the United States of America the title of this State to certain lands.*

[Approved March 9, 1897.]

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

Relinquishing title to certain State lands to the United States.

SECTION 1. All the right and title of the State of California in and to the parcels of land extending from high-water mark out to three hundred yards beyond low-water mark, lying adjacent and contiguous to such lands of the United States in this State as lie upon tidal waters and are held, occupied, or reserved for military purposes or defense, lying adjacent

and contiguous to any island, the title to which is in the United States, or which island is reserved by the United States for any military or naval purposes or for defense, are hereby granted, released, and ceded to the United States of America; the boundaries of each parcel of land hereby granted, released, and ceded to the United States to be a line along high-water mark, a line three hundred yards out beyond low-water mark, and lines at right angles to high-water mark at the points where the boundaries of the adjacent lands of the United States touch high-water mark; *provided*, that the title to each parcel of land hereby granted, released, and ceded to the United States shall be, and remain in the United States only so long as the United States shall continue to hold and own the adjacent lands now belonging to the United States; *and provided further*, that this State reserves the right to serve and execute on said lands all civil process, not incompatible with this cession, and such criminal process as may lawfully issue under the authority of this State against any person or persons charged with crimes committed without said lands.

Right to  
serve civil  
process.

SEC. 2. This Act shall take effect immediately.

## CHAPTER LXXXII.

*An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.*

[Approved March 9, 1897.]

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

SECTION 1. The Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class, in this State, having an outstanding indebtedness, evidenced by bonds or warrants thereof, is empowered, by a two-thirds vote of its number, to fund or refund the same and issue bonds of such city or town therefor in sums of not less than one hundred dollars nor more than one thousand dollars each, and having not more than forty years to run, and bearing a rate of interest not exceeding six per cent per annum, payable semi-annually; *provided*, that no indebtedness shall be refunded at a higher rate of interest than that borne by the original debt. Such bonds shall be of the character known as "serials," not less than one fortieth of the principal being payable each year, together with the interest due on all sums unpaid. Principal and interest on said bonds shall be payable in gold coin or other lawful money of the United States, as may be expressed in said bonds, at the office of the Treasurer of said city or town. Said bonds shall be sold in the manner provided by such City Council or other governing body, to the

Refunding  
indebted-  
ness of  
cities,  
other than  
of first  
class.

Character  
of bonds.

Tax levy  
for pay-  
ment.

highest bidder therefor, for not less than their face value, in the same character of money as that in which they are payable. The proceeds of such sale shall be placed in the treasury of such city or town to the credit of the "funding fund," and shall be applied only to refunding the indebtedness for which said bonds were issued. Said Trustees, or other governing body, shall at the time for fixing the general tax levy for each year, and in the same manner as such tax levy is made, levy and collect sufficient money to pay one-fortieth part of the principal of said bonds issued under this Act, and also the annual interest upon the sums unpaid.

Duty of  
Treasurer.

SEC. 2. Whenever sufficient money is in the funding fund, in the hands of the Treasurer, to redeem one or more of the outstanding bonds proposed to be refunded, he shall publish once a week for two weeks in some newspaper of general circulation published in such city or town, if there be any, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall, at the same time, deposit in the post office a copy of such notice, inclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners of such bond or bonds, at the post office address of such owner or owners, as shown by the record thereof kept in the Treasurer's office. If such bond or bonds are not presented within the time specified in such notice, the interest thereon shall then cease, and the amount due be set aside for the payment of the same, whenever presented. All redemption of bonds shall be made according to the priority in the order of their issuance, beginning at the first number. Whenever such outstanding bonds are surrendered and paid, the Treasurer shall proceed to cancel the same by indorsing on the face thereof the amount for which they are received, the word "canceled" and the date of cancellation. He shall also keep a record of such bonds so redeemed, and shall make a report of the same to the Common Council, or other governing body of such city or town, at least once a month, accompanying the same therewith by the bonds which have been taken up and canceled.

Surplus.

SEC. 3. All moneys which shall remain in said funding fund after all outstanding bonds as were proposed to be refunded have been taken up and canceled, shall be paid into the general fund of such city or town, and become a part thereof.

Repeal of  
conducting  
statutes.

SEC. 4. Chapter eighty-two of the statutes of eighteen hundred and eighty-three, chapter forty-eight of the statutes of eighteen hundred and ninety-three, and chapter one hundred and seventy-six of the statutes of eighteen hundred and ninety-five, all being laws of the State of California in conflict herewith, are hereby repealed.

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

## CHAPTER LXXXIII.

*An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.*

[Approved March 9, 1897.]

*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 establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March twenty-third, eighteen hundred and ninety-three, is hereby amended so as to read as follows:

Section 1. After the passage of this Act, all property which shall pass, by will or by the intestate laws of this State, from any person who may die seized or possessed of the same while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part thereof, shall be within this State, or any interest therein or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, brother, sister, and neice or nephew when a resident of this State, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the State of California, and any lineal descendant of such decedent born in lawful wedlock, or the societies, corporations, and institutions now exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the treasurer of the proper county, as hereinafter defined, for the use of the State; and all administrators, executors, and trustees shall be liable for any and all such taxes

Tax on collateral inheritances.

What may be taxed.

Amount of tax.

Estate less than \$500 exempted. until the same shall have been paid, as hereinafter directed; *provided*, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax.

Exemption.

SEC. 2. The exemptions contained in this Act shall apply to all property which has passed, by will, succession, or transfer, since the approval of the Act of which this Act is amendatory, except in those cases where the tax has been paid to the treasurer of the proper county.

SEC. 3. This Act shall take effect immediately.

#### CHAPTER LXXXIV.

*An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section eight hundred and fifty-three thereof, relating to absence of certain officers from the State.*

[Approved March 9, 1897.]

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

SECTION 1. Section eight hundred and fifty-three 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:

Absence of officers from State.

853. No officer, state, county, or municipal, shall absent himself from the State for more than sixty days, unless upon business of the State, or with the consent of the Legislature; *provided*, that in the case of illness or other urgent necessity, the Governor in the case of state officers; the Board of Supervisors in the case of county officers, the City Council or other governing body of the municipality in the case of municipal officers, shall, upon a proper showing of such illness or necessity, extend the time herein limited for the absence of any such officer from the State.

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

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

## CHAPTER LXXXV.

*An Act to amend section sixteen hundred and seventy of the Political Code of California.*

[Approved March 9, 1897.]

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

SECTION 1. Section sixteen hundred and seventy of the Political Code of California is hereby amended to read as follows:

1670. First—Any city, incorporated town, or school district accredited by the last preceding school census with a school population of three hundred or more, may, by a majority vote of the qualified electors voting at the election held for the purpose of determining the establishment and maintenance of such high school, establish and maintain a high school at the expense of such city, incorporated town, or school district. High school may be established.

Second—Whenever a majority of the heads of families, as shown by the last preceding school census, in any city, incorporated town, or school district accredited by the last preceding school census with a school population of three hundred or more, shall unite in a petition to the board of education or board of school trustees of said city, incorporated town, or school district, for the establishing and maintaining of a high school therein, said board of education or board of school trustees shall petition the County Superintendent of Schools to call an election in said city, incorporated town, or school district, for the determination of the question. Election shall be called.

Third—Within twenty days after receiving said petition from said board of education or board of school trustees, the County Superintendent of Schools shall call an election therein for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notice thereof in five of the most public places in said city, incorporated town, or school district, and by publication in a daily or weekly paper therein, if there be one, for not less than fifteen days. Said election shall be conducted in the manner prescribed for conducting school elections. The ballots at such elections shall contain the words "for high school," and the voter shall write or print after said words on his ballot the word "yes," or the word "no." It shall be the duty of said election officers to report the result of said election to the County Superintendent of Schools within ten days subsequent to the holding thereof. Time and manner of holding election.

Fourth—When a majority in each district, as shown by the last preceding school census, of the heads of families residing in two or more contiguous school districts in the same county (*provided*, that said districts are accredited by said school census with a school population of three hundred or more) shall unite in a petition to the County Superintendent of Schools for the estab- Union high school district.

lishing and maintaining of a union high school district, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Said election shall be held separately and simultaneously at the public school-house in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public school-house in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election in each district shall contain the words "for the union high school," and the voter shall write or print after said words on his ballot the word "yes" or the word "no." It shall be the duty of the said election officers in each district to canvass the vote at said election, and report the result to the County Superintendent of Schools within five days subsequent to the holding of said election.

Duties of  
County  
Superin-  
tendent  
and Board  
of Educa-  
tion.

Fifth—If a majority of the votes cast in the election provided for in subdivision three of this section in said city, incorporated town, or school district shall be in favor of establishing and maintaining a high school therein, it shall be the duty of the County Superintendent to call a meeting of the board of education or board of school trustees of said city, incorporated town, or school district, within fifteen days after receiving the returns of the election held therein, by giving at least ten days' notice, in writing, to every member of said board of education or board of school trustees. The board of education or board of school trustees shall, at said meeting, determine the location and the name of the high school.

Same.

Sixth—If a majority of the votes cast in the districts petitioning for a union high school shall in the aggregate be in favor of establishing and maintaining a union high school therein, the County Superintendent shall, within fifteen days after receiving the returns of the election held therein, direct the board of school trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in subdivision twenty of section sixteen hundred and seventeen of the Political Code. At said meeting the qualified electors shall in each district select one representative, whose powers and duties shall be as hereinafter specified. The representatives so chosen shall name the school and have power to make arrangements for the temporary location of the high school, and if satisfactory apartments or buildings in a suitable location are offered or can be procured for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such apartments or building for a period not to exceed three years from the date of its acceptance. Should it be impossible to secure such apartments or buildings, or should such representatives deem it not advisable to select the same, or should they secure or lease the same, then at such time before their contract expires

Location of  
school-  
house.



as they may deem necessary, they shall notify the County Superintendent of Schools that they desire to meet to locate the school. Thereafter the representatives so chosen shall meet in conjunction with the County Superintendent of Schools, at a time and place to be named by the superintendent, for the purpose of determining the location of the union high school. At such meeting the superintendent shall be the chairman, and shall be entitled to vote and participate in all its proceedings. Should the above representatives fail to unanimously agree upon a location for the high school, they shall propose, in writing, to the County Superintendent then present, or if he is not present, they shall transmit to his office, within ten days the names of the locations which they favor. Within twenty days after receiving such notice the superintendent shall call an election as provided in subdivision fourth hereof, to determine the location of the high school. At such election only such sites as have been named by the representatives and certified to the County Superintendent shall be voted upon. Any form of ballot by which the voter signifies his choice of location shall be allowed. The result of said election shall be determined and certified to the County Superintendent, as provided in said subdivision fourth. The location which receives the largest number of votes shall be chosen as the location of the high school. No change of location of any high school, when once established, shall be made except upon a petition to the County Superintendent of Schools, signed by two thirds of the heads of families of the high school district, and then only in accordance with all of the provisions for the original location of the school, as contained in subdivisions four and five of this section.

Change of location.

Seventh—In any city, incorporated town, or school district which shall have established a high school, the board of education or board of school trustees shall constitute the high school board, and shall have the management and control of said high school.

High school board.

Eighth—In union high school districts composed of more than two school districts, the high school board shall be composed of one member elected from each district composing the high school district at the time, and in the manner prescribed for the election of school trustees, except as otherwise provided in this Act. The superintendent (or superintendents by concurrent action in joint high school districts) shall, in union high school districts composed of three or more school districts, divide the districts composing the union high school district into three classes, as nearly equal in number of school districts as possible, to be designated by him as Class A, B, and C, respectively. At the first annual school election following the passage of this Act, the districts in Class A, as above divided and designated, shall each elect a high school trustee for one year; the districts in Class B shall each elect a high school trustee for two years; the districts in Class C shall each elect a high school trustee for three years. At each annual election thereafter, as terms of office expire, the high school trustees

Subdivision of union districts, and election of trustees.

shall be elected for three years, and in case of expiration of term of appointment, for the unexpired term. Vacancies in the high school board shall be filled by appointment by the County Superintendent of Schools (and in case of joint union high school districts, by appointment of the County Superintendent of the county in which the vacancy occurred), the appointee or appointees to hold until the first day of July succeeding the appointment. The trustees serving on union high school boards, composed of more than two school districts at the time of the approval of this section as hereby amended, shall hold until their successors are elected, and shall qualify under the provisions hereof; in the formation of new union or joint union high school districts, the representatives selected according to the provisions of subdivision sixth of this section shall constitute the union or joint union high school board until the election or appointment and qualification of the regular board as herein provided. In union high school districts consisting of but two school districts, the union high school board shall be composed of the boards of school trustees of both said districts.

President and clerk.

Ninth—The union high school board shall meet within ten days subsequent to the locating and naming of the union high school by the parties selected for that purpose, and shall organize by electing a president and a clerk from their own number, to serve until the second Saturday of July next succeeding their election; and thereafter the board shall meet and organize in the same manner on the second Saturday of July of each and every year.

Meetings.

Tenth—The high school boards shall hold regular monthly meetings at the high school building, at such time as may be provided in the rules and regulations adopted by them for their own government. Special meetings may be held at the call of the president of the respective boards. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union high school districts composed of more than two districts the regular meetings as above provided shall be quarterly; *and provided further*, that the union high school board in said union high school districts may appoint an executive committee, consisting of the president and secretary and one other member of the board, no two of whom shall be from the same school district, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting ensuing.

Special meetings.

Powers and duties of boards.

Eleventh—The powers and duties of the high school boards shall be such as are now or as may hereafter be assigned by law to boards of education or boards of school trustees, including the provisions of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclu-

sive, of the Political Code, relating to the voting and issuance of bonds, except as otherwise provided in this section.

Twelfth—The course of study for the respective high schools shall be prepared by the high school board, and, except in cities and incorporated towns, shall be subject to the approval of the county board of education. Said course of study shall embrace a period of not less than three years; and it shall be such as will prepare graduates therein for admission into the state university. The high school board may prescribe an additional course or additional courses of study, subject to the approval, as hereinbefore provided. The text-books to be used in all high schools shall be uniform throughout the State, and shall be adopted by the high school board, subject to the same restrictions provided for the adoption of the course of study, from a list of books prepared and submitted by the accrediting board of the state university. The state series shall be used in grades and classes for which they may be adapted.

Thirteenth—Graduates of the grammar schools shall be admitted to the high schools without examination. Other applicants of the high school district may be admitted in accordance with such rules as may be prescribed by the high school board; *provided*, that no applicant shall be admitted to the high school who has not practically completed the work of the grammar grades of the county in which the high school is located; *provided*, that in high schools where the course of study embraces a period of four years, pupils who have completed the course of study prescribed for the seventh grade, may, upon passing a satisfactory examination, be admitted. Proficiency is to be determined by the principal, subject to approval by the county board of education. The high school board may admit pupils not residing in any high school district, upon the payment of such tuition fees as they may deem proper, and all moneys collected from this source shall be paid into the fund provided for the support of the high school.

Fourteenth—In any city, incorporated town, school district, or union high school district which shall have voted to establish and maintain a high school, it shall be the duty of the high school board therein, to furnish to the authorities whose duty it is to levy taxes, on or before the first day of September, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds for the accommodation of the school, and of conducting the school for the school year, unless such high school board have secured or leased temporary accommodations or apartments for the use of such high school, as provided in subdivision sixth hereof. If such high school board have secured or leased such temporary quarters, accommodations, or buildings, they shall furnish to such authorities an estimate of the amount of money required to establish, operate, and maintain such school in such temporary quarters or location for the ensuing school year. On the first day of September before the time when it will become necessary by reason of the termination of

Course of study.

Text-books.

Qualification for admission.

Tuition to be charged for non-resident pupils.

Proceedings necessary to procure suitable site, buildings, etc., and to estimate cost of same.

- Estimate of expense, when to be furnished. their lease or agreement, or from any other reason, they shall make arrangements for another lease for a further period of three years, or they shall furnish to the authorities whose duty it is to levy taxes, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds, for the accommodation of the school, and of conducting the school for the school year. It shall be the duty of said board, each and every year thereafter, to present to said authorities, on or before the first day of September, an estimate of the amount of money required for conducting the school for the school year.
- Tax levy for same. Fifteenth—When such estimates shall have been made and submitted it shall be the duty of the authorities whose duty it is to levy taxes in said city, incorporated town, school district, or union high school district, to levy a special tax upon all of the taxable property of said city, incorporated town, school district, or union high school district, sufficient in amount to maintain the high school, or to purchase the site, erect the building, or improve the building or grounds. Said tax shall be computed, entered upon the tax roll, and collected, in the same manner as other taxes are computed, entered, and collected.
- Duty of Superintendent of Schools. Sixteenth—Should the high school board of any city, incorporated town, school district, or union high school district, fail to make the estimate provided for in subdivision fourteen of this section, it shall be the duty of the Superintendent of Schools, upon the petition of five qualified electors thereof, to make such estimate.
- Duty of County Auditor. Seventeenth—Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, fail to make the levy provided for, it shall be the duty of the County Auditor to make such levy, and add it to the tax roll of said city, incorporated town, school district, or union high school district.
- Payments on warrant. Eighteenth—All moneys collected from the levy of the tax provided for by this section shall be paid, in cities and incorporated towns, into the treasury thereof, to the credit of the high school fund; and said moneys shall be paid out by the treasurers of said cities or towns upon the warrants of the high school board, signed by the president and clerk thereof.
- Moneys, how paid. Nineteenth—All moneys collected from said levy in school districts, or union high school districts, shall be paid into the county treasury to the credit of the district high school fund, or the union high school fund, respectively, and shall be paid out on the order of the high school board, signed by the president and clerk thereof, as other school moneys are paid out.
- County high schools, establishment of, etc. Twentieth—Nothing in this section shall be construed as preventing all of the school districts in any county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, school district, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; and *provided further*, that when any city, incorporated

town, school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such city, incorporated town, school district, or union high school district shall be excluded from voting upon said proposition; *provided further*, that in counties where one or more city high schools, district high schools, or union district high schools are maintained, the Board of Supervisors shall, upon the petition of two thirds of the heads of families in the city high school district, district high school district, and in each school district composing the union high school district or districts, if there be more than one in the county, submit to all the qualified electors of the county the question of establishing and maintaining a county high school, and shall take such further steps as provided in section sixteen hundred and seventy-one of this Act, relating to high schools. If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative, the Board of Supervisors shall, upon the establishment of the same, declare the high school or high schools existing in the county at the time of the election for a county high school, to be lapsed, and the property of such lapsed high school or schools shall be held or sold by the Board of Supervisors for the benefit of the county high school.

Twenty-first—A school district cannot lie partly within a high school district, or a union or a joint union high school district, and partly without; and in all cases where the boundaries of a school district comprised within any such high school district shall for any cause be changed to include territory not previously in such district, the territory acquired or added to such included district shall become and constitute a part of the high school or union or joint union high school district. Where the boundaries of the districts constituting the union or joint union district are so changed as to increase the number of districts within its territory, the new school district or districts so created shall continue to be part of the high school district, and after the first day of July next succeeding its creation, it shall be entitled to representation upon the high school board.

Twenty-second—Any school district adjacent to a high school, union, or joint union high school district, may be admitted to said high school district by action of the Board of Supervisors of the county in which the school district is located, upon such terms as may be agreed upon between the trustees of the school district seeking admission, and the high school board, whenever a majority of the heads of families, as shown by the last preceding school census, shall present to said Board of Supervisors a petition for such annexation, accompanied by a petition signed by a majority of the members composing the high school board of the district to which admission is desired. Any district contained in a union or joint union high school district may, in like manner, withdraw from such union or joint union district by action of the Board of Supervisors of the county in which the district is located, upon such terms as may be agreed upon

School district boundaries.

Admission of adjacent school districts.

District may withdraw.

between the trustees of the school district seeking to withdraw, and the high school board, whenever a majority of the heads of families constituting the union or joint union high school district, and two thirds of the heads of families residing in the district seeking to withdraw, as shown by the last preceding school census, shall present to such Board of Supervisors a petition consenting to such withdrawal, accompanied by a like petition signed by a majority of the members composing the high school board.

Suspension  
of school.

Twenty-third—When the average daily attendance of pupils in any high school during the whole of any school year after the first school year, shall be ten, or less than ten, the Superintendent of Schools shall suspend the school in said district, and shall report the fact to the Board of Supervisors. Upon receiving such report from the superintendent, the Board of Supervisors shall declare the high school lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the high school district, and all moneys in the treasury to the credit of said high school, shall be distributed by the County Superintendent to the districts composing the high school district, in proportion to the assessed valuation of property in said districts.

Proceed-  
ings neces-  
sary to  
disincorpo-  
rate.

Twenty-fourth—Any high school district that has existed three years or more, whether embracing one or more school districts, union or joint union, now organized and existing, or which may hereafter be established, may disincorporate and be dissolved and disestablished in the following manner: A petition signed by two thirds of the heads of families, as shown by the last preceding school census, of the high school district so petitioning, shall be presented to the County Superintendent of Public Schools, which petition shall set forth briefly the reason for disincorporation, and shall pray that the question may be submitted to the voters in said district. Upon receiving such petition the superintendent shall call an election in the city or district, and in each school district of any union high school district so petitioning, and shall submit to the voters therein the question of disincorporation of such high school district. In joint union high school districts the petition shall be presented to the superintendent of each county having territory within the petitioning district, and each superintendent so petitioned shall, within fifteen days after receiving such petition, order an election in the district or districts situate within his own county and forming a part of the joint union high school district petitioning. At the time of calling such election, which in union and joint union districts must be held in all the school districts composing them upon the same day, the superintendent or superintendents must appoint three electors in each school district contained within the high school district petitioning, to conduct the election. Notice of election shall be given by posting written or printed notice thereof, in at least three of the most public places in the high school district in which the election is called, for at least twelve days next before the day set

for such election. In union and joint union districts, the said notice shall be given in each school district therein. Said election shall be conducted in the manner provided by law for conducting school elections. The ballots shall have printed on them the words "For disincorporation"; and the voters shall write or print thereafter the word "yes" or the word "no." The election officers shall report the result of such election within five days thereafter to the County Superintendent of Schools of the counties of which they are residents. If a majority of all the votes cast at such election be opposed to disincorporation, no further petition shall be entertained or election ordered for a similar purpose within the three years next following such election. If two thirds of all votes cast at such election be in favor of disincorporation, the superintendent shall, at the end of existing school year, suspend said high school district, and report the result of the election and the fact of such suspension to the Board of Supervisors; *provided*, that when a joint union high school district is disincorporated under the provisions hereof, each of the superintendents of the counties having territory therein, shall immediately certify to the others the result of the election in his own county, and all of them shall join in the order of suspension, and each superintendent shall thereafter, and before the end of the existing school year, report the result of such election and such suspension to the Board of Supervisors of his county. Upon receiving such report, said boards, and each of them, shall, at the first meeting thereafter, make an order declaring said high school district duly disincorporated and disorganized, to take effect at the end of the existing school year. When a city, district, or union high school has disincorporated under the provisions of this section, the property thereof shall be sold, and the proceeds of such sale, together with any moneys in the treasury to the credit of such disincorporating high school district, shall be disposed of as in subdivision twenty-third hereof. When a joint union high school is disincorporated under this section, the Board of Supervisors of the county within which the high school building and other property belonging to the disincorporated district is situated, shall sell the same and place the proceeds thereof to the credit of the school districts composing such disincorporated district. Such division of said proceeds shall be in proportion to the value of property in the districts among which division is made, as determined by the last previous assessment for school purposes, and the portions of said proceeds belonging under such division to the districts in other counties than the one in which the sale is made shall be transferred, by the board making the division, to the county or counties within which such school districts are situated; but the joint union high school funds in such counties collected by taxation, for the maintenance of said joint union high school, shall be distributed by the Supervisors of such counties to the districts from which they were collected.

Same.

Sale of property and disposition of funds.

Non-resident pupils.

in any high school district to attend the high school in another high school district, the high school board of the latter district may admit such pupils to the high school in their district, upon such terms as the two boards may arrange.

Joint  
union high  
school  
district.

Twenty-sixth—(1) When a majority of the heads of families residing in two or more adjacent districts, not in the same county, shall unite in a petition to the County Superintendents of their respective counties for the establishing and maintaining of a joint union high school district, it shall be the duty of said superintendent, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each district petitioning, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision fourth of this section, and the result thereof shall be reported by the election officers in each district to the superintendents of the counties in which the districts are situated, within five days subsequent to the holding of said election.

Organiza-  
tion.

(2) If a majority of the votes cast in the districts shall, in the aggregate, be in favor of establishing a joint union high school, the County Superintendent in each county shall, within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his respective county, to call a meeting of the qualified electors, as provided in subdivision sixth of this section. At said meeting the qualified electors in each district shall select representatives, as provided in said subdivision. The representatives so chosen shall meet at a time and place to be agreed upon among themselves for the purpose of determining the name of the high school. The location of the school shall be determined by the joint action of the representatives chosen and the County Superintendents of the counties in manner and form as provided for the location of union high schools.

Joint  
union high  
school  
board.

(3) The joint union high school board shall be composed as provided in subdivision eighth of this section; and their powers and duties shall be such as are specified in this section for union high school boards; *provided*, that the estimate provided for in subdivision fourteenth of this section shall be furnished to the authorities in each of the counties in which the districts uniting are situated; and *provided further*, that the portion of the amount to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment roll thereof.

Levy and  
collection  
of tax for  
joint  
union high  
school.

(4) All the provisions relative to the levy and collection of the tax necessary to maintain the high school shall apply to the levy and collection of the tax for joint union high schools; *provided*, that the amount collected in each district shall be paid into the treasury of the county in which said district is located, to the credit of a fund to be known as the joint union high school fund, and shall be paid out as provided in subdivision nineteenth of this section.

SEC. 2. This Act shall take effect immediately.



## CHAPTER LXXXVI.

*An Act to authorize the Board of Fish Commissioners to dispose of the hatchery located on Battle Creek, in Tehama County, and to expend the proceeds of the same.*

[Approved March 9, 1897.]

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

SECTION 1. The Board of Fish Commissioners of this State are hereby authorized and empowered to sell to the United States Commissioner of Fish and Fisheries, the hatchery building located on Battle Creek, in Tehama County, together with the leases and water rights belonging thereto, for the original cost of the same, to wit: twenty-six hundred dollars.

Fish Commissioners may sell hatchery on Battle Creek.

SEC. 2. The proceeds of said sale shall be deposited in the state treasury, to the credit of the fish commission fund, to be expended in the erection or improvement of the state hatcheries.

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

## CHAPTER LXXXVII.

*An Act to amend section eight hundred and seventy-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to notice for bids for public work.*

[Approved March 9, 1897.]

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

SECTION 1. Section eight hundred and seventy-four 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:

Section 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or waterfronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the

Letting of contracts for public work.

Contracts  
for public  
printing.

same period; such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the Board of Trustees may reject any and all bids presented and readvertise, in their discretion. The Board of Trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice, as provided in this section.

#### CHAPTER LXXXVIII.

*An Act fixing the minimum rate of compensation for labor on public work.*

[Approved March 9, 1897.]

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

Minimum  
rate of  
compensa-  
tion for  
labor on  
public  
work.

SECTION 1. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of any officer of this State acting in his official capacity, or under the direction, control, or by the authority of any municipal corporation within this State, or of any officer thereof acting as such, is hereby fixed at two (2) dollars per day; and a stipulation to that effect must be made a part of all contracts to which the State, or any municipal corporation therein, is a party; *provided, however*, that this Act shall not apply to persons employed regularly in any of the public institutions of the State, or any city, city and county, or county.

Exception.

SEC. 2. This Act shall take effect immediately.

#### CHAPTER LXXXIX.

*An Act to repeal sections six hundred and twenty-six a, six hundred and twenty-six b, six hundred and twenty-six c, six hundred and twenty-six d, six hundred and twenty-six e, six hundred and twenty-six f, six hundred and twenty-six g, six hundred and twenty-six h, six hundred and twenty-six i, six hundred and twenty-seven a, six hundred and twenty-seven b, six hundred and twenty-seven c, and six hundred and twenty-seven d, and to amend sections six hundred and twenty-six and six hundred and twenty-seven of the Penal Code of the State of California, relating to game.*

[Approved March 9, 1897.]

*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 the Penal Code is hereby amended to read as follows:

Close sea-  
son valley  
quail,  
duck, rail.

626. Every person who, between the first day of March and the first day of October in each year, shall hunt, pursue,

take, kill, or destroy, or have in his possession, any valley quail, bob-white, partridge, or any kind of wild duck or rail; every person who, between the fifteenth day of February and the first day of September in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, any mountain quail or grouse; every person who, between the fifteenth day of February and the fifteenth day of July in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, any dove or doves; every person who shall take, gather, or destroy the eggs or nest of any quail, bob-white, partridge, pheasant, grouse, dove, robin, or any kind of wild duck or rail; every person who, in the State of California, shall at any time hunt, shoot, shoot at, take, kill, or destroy, buy, sell, give away, or have in his possession, except for the purpose of propagation, or for educational or scientific purposes, any English skylark, robin, canary, humming-bird, thrush, or mocking-bird, or any part of the skin, skins, or plumage thereof, or who shall rob the nests or take or destroy, or offer for sale, the eggs of any of the said birds; every person who, before the first day of March, eighteen hundred and ninety-nine, shall hunt, pursue, take, kill, or destroy, or have in his possession, any pheasant; every cold-storage company, person keeping a cold-storage warehouse, tavern or hotel keeper, restaurant or eating-house keeper, market-man, or other person, who shall buy, sell, expose or offer for sale, or give away, or have in his possession, any quail, bob-white, partridge, robin, grouse, dove, pheasant, wild duck, or rail, during the time it shall be unlawful to kill such birds; every person who shall hunt, pursue, take, kill, or have in his possession, or destroy, any male deer between the fifteenth day of October and the fifteenth day of July of the following year; every person who shall at any time hunt, pursue, take, kill, or destroy, or have in his possession, any female deer, or spotted fawn, or any antelope, elk, or mountain sheep; every person who shall at any time buy, sell, or offer for sale, the hide or meat of any deer, elk, antelope, or mountain sheep; every person who shall buy, sell, offer, or expose for sale, transport or carry, or have in his possession, the skin, hide, or pelt of any deer from which the evidence of sex has been removed, is guilty of a misdemeanor; *provided, however,* that the right of possession for the purpose of propagation shall first be obtained by a permit in writing, from the Board of Fish Commissioners of the State of California. Any person found guilty of a violation of any of the provisions of this section shall be fined in a sum not less than twenty dollars or more than five hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or more than one hundred and fifty days, or be punished by both such fine and imprisonment. It shall be no defense in a prosecution for a violation of any of the provisions of this section that the birds or animals were taken or killed outside this State; *provided, however,* that nothing in this section shall

Mountain quail, grouse.

Doves.

Eggs.

Song birds.

Pheasant.

Cold-storage companies etc.

Male deer.

Female deer, etc.

Deer-skins.

For propagation.

Penalty.

Noddefense.

be held to apply to, the hide of any of said animals taken or killed in Alaska or any foreign country.

Repealed. SEC. 2. Section six hundred and twenty-six *a* of the Penal Code is hereby repealed.

SEC. 3. Section six hundred and twenty-six *b* of the Penal Code is hereby repealed.

SEC. 4. Section six hundred and twenty-six *c* of the Penal Code is hereby repealed.

SEC. 5. Section six hundred and twenty-six *d* of the Penal Code is hereby repealed.

SEC. 6. Section six hundred and twenty-six *e* of the Penal Code is hereby repealed.

SEC. 7. Section six hundred and twenty-six *f* of the Penal Code is hereby repealed.

SEC. 8. Section six hundred and twenty-six *g* of the Penal Code is hereby repealed.

SEC. 9. Section six hundred and twenty-six *h* of the Penal Code is hereby repealed.

SEC. 10. Section six hundred and twenty-six *i* of the Penal Code is hereby repealed.

SEC. 11. Section six hundred and twenty-seven of the Penal Code is hereby amended to read as follows:

Guns, caliber, etc. 627. Every person who shall use a shotgun of a larger caliber than that commonly known and designated as a number ten gauge, shall be guilty of a misdemeanor. The proof of the possession of said gun in the field, or marsh, bay, lake, or stream, shall be prima facie evidence of its illegal use. Every person who, upon any inclosed or cultivated grounds which are private property, and where signs are displayed forbidding such shooting, shall shoot any quail, bob-white, pheasant, partridge, grouse, dove, wild duck, or deer, without permission first obtained from the owner or person in the possession of such ground, or who shall maliciously tear down, mutilate, or destroy any sign, signboard, or other notice forbidding shooting on private property, shall be guilty of a misdemeanor. Every railroad company, express company, transportation company, or other common carrier, their officers, agents, and servants, and every other person, who shall transport, carry, or take out of this State, or who shall receive for the purpose of transporting from the State, any deer, deer skin, buck, doe, or fawn, or any quail, partridge, pheasant, grouse, prairie chicken, dove, or wild duck, except for purposes of propagation, or who shall transport, carry, or take from the State, or receive for the purpose of transporting from this State, any such animal or bird, shall be guilty of a misdemeanor; *provided*, that the right to transport for the purposes of propagation shall first be obtained by permit, in writing, from the Board of Fish Commissioners of the State of California. Any person found guilty of a violation of any of the provisions of this section, shall be fined in a sum not less than twenty dollars, or more than five hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days, or more than one

Inclosed fields.

Common carriers.

Penalty.

hundred and fifty days, or be punished by both such fine and imprisonment.

SEC. 12. Section six hundred and twenty-seven *a* of the Repealed Penal Code is hereby repealed.

SEC. 13. Section six hundred and twenty-seven *b* of the Penal Code is hereby repealed.

SEC. 14. Section six hundred and twenty-seven *c* of the Penal Code is hereby repealed.

SEC. 15. Section six hundred and twenty-seven *d* of the Penal Code is hereby repealed.

SEC. 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 17. This Act shall take effect from and after its passage.

## CHAPTER XC.

*An Act to amend section fifteen of an Act entitled an Act entitled "An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1868.*

[Approved March 9, 1897.]

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

SECTION 1. Section fifteen of an Act entitled an Act entitled "An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March second, eighteen hundred and sixty-seven," approved March thirtieth, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

Section 15. If within six months after the giving of the public notice that the plat of any townsite has been filed in the Recorder's office as provided in section twelve of this Act, there shall remain any unoccupied or vacant unclaimed lands, or lands not previously surveyed into town lots under the provisions of this Act, and any person has hitherto or shall hereafter discover gold in any portion thereof in quantities which he may deem sufficient to justify the profitable working thereof (his judgment thereon to be conclusive), and has located and held the same bona fide for mining purposes, such mining possession shall constitute him a preferred purchaser thereof, from the Judge of the Superior Court, according to the metes and bounds of his location thereof, within the meaning of this Act; and he may apply to the Judge of the Superior Court for

mining  
claims  
upon un-  
surveyed  
land  
within  
limits of  
plat of  
townsite.

a deed thereto, which application he shall accompany with a deposit to be held by such judge in an amount to be estimated by him sufficient to pay the expenses of a survey and the platting thereof as herein provided for.

Duty of Superior Judge.

The said Superior Judge shall thereupon cause a survey and plats to be made of such mining possession, and shall cause such plats and a copy of the field notes of such survey to be filed in the Recorder's office of the county in which such town is situated, in the manner provided in section three of this Act, and such filing shall have the effect therein provided; but the provisions of section four of this Act shall not apply to any survey made under the provisions of this section.

Survey to be filed.

Sale of land, and price per acre.

After the filing of such plats and such copy of field notes, said judge shall sell the said land so embraced within such mining possession to the bona fide possessor thereof at a price equal to one dollar and a quarter per acre or fraction of an acre thereof, and the expenses of the surveying and platting thereof; and in case two or more claimants apply for the same tract, or parcel of the same tract, said judge shall determine who is entitled thereto, and shall sell the same to the party so entitled.

Possession for other purposes.

If any person has hitherto or shall hereafter occupy any portion of such unsurveyed lands, and shall, in good faith, make improvements thereon for any purpose other than mining, he shall have to the extent of his possession thereof the same rights and privileges hereunder as such possessor for mining purposes.

Application for survey.

And any person not in possession may, at any time, apply to such Superior Judge for a survey into lots and a platting of any such unoccupied or vacant unclaimed lands, or lands not previously surveyed into town lots under the provisions of this Act, and upon his depositing with such judge an amount to be estimated by him as sufficient to defray the expenses thereof, said judge may, at his discretion, cause any portion of such lands to be laid out and surveyed under his supervision into a suitable tract or lot, or into suitable blocks and lots, as such judge shall determine, and shall reserve such portions as shall be deemed necessary for public squares and school-house lots; and shall cause all necessary roads, streets, lanes, and alleys to be laid out through the same, and dedicated to public use; and the said judge shall, upon such survey being completed, proceed in the manner provided in section three of this Act to have plats made thereof in duplicate, and such plats and a copy of the field notes of such survey filed and disposed of as in said section three provided for, and with like effect as therein given to the original plats and field notes of the survey of such townsite; and the said judge shall sell the same in suitable parcels to the applicant for such survey, or to other parties at the price hereinbefore stated, and in case two or more parties apply for the same tract or parcel of the same tract, he shall sell the same at public auction to the highest bidder upon ten days' notice given by posting three notices of such sale in public places in such town, but no bid for less than the minimum price herein stated shall be received at such sale. If no sale is

Reservations for public uses.

Price.

made, said judge may, in his discretion, offer such land for sale in the same manner at any future time.

Said judge shall execute to any purchaser, under the pro- Deeds.  
vision of this section, all necessary deeds of conveyance, and such deeds shall be prima facie evidence of the truthfulness of all recitals therein contained.

Any surplus left of the deposit, in this section provided to be Surplus.  
made, shall be returned to the depositor thereof, after proceed- ings hereunder are completed.

SEC. 2. This Act shall take effect immediately.

## CHAPTER XCI.

*An Act to amend section twenty-nine hundred and fifty-five of the Civil Code of California, respecting the mortgaging of personal property.*

[Approved March 9, 1897.]

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

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

2955. Mortgages may be made upon the following personal Personal property which may be mortgaged.  
property, and none other:

First—Locomotives, engines, and other rolling-stock of a railroad.

Second—Steamboat machinery, the machinery used by machinist foundrymen and mechanics.

Third—Steam engines and boilers.

Fourth—Mining machinery.

Fifth—Printing presses and material.

Sixth—Professional libraries.

Seventh—Instruments of surveyors, physicians, and dentists.

Eighth—Upholstery, furniture, and household goods.

Ninth—Oil paintings, pictures, and works of art.

Tenth—All growing crops, including grapes and fruit.

Eleventh—Vessels of more than five tons burden.

Twelfth—Instruments, negatives, furniture, and fixtures of a photograph gallery.

Thirteenth—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 are contained.

Fourteenth—Pianos and organs.

Fifteenth—Iron and steel safes.

Sixteenth—Neat cattle, horses, mules, swine, sheep, and goats, and the increase thereof.

Seventeenth—Harvesters, threshing outfits, hay presses, wagons, farming implements, and the equipments of a livery stable, including buggies, carriages, harness, robes.

Eighteenth—Abstract systems, books, maps, papers, and slips of searchers of records.

Nineteenth—Raisins and dried fruits, cured or in process of being cured; also, all boxes, fruit-graders, drying-trays, and fruit-ladders.

## CHAPTER XCII.

*An Act to amend section one of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.*

[Approved March 9, 1897.]

*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 for the further protection of stockholders in mining companies," approved April twenty-third, eighteen hundred and eighty, is hereby amended so as to read:

Ratification by two thirds interest, necessary to certain acts of directors of stock companies.

Section 1. It shall not be lawful for the directors of any mining corporation to sell, lease, mortgage, or otherwise dispose of the whole or any part of the mining ground owned or held by such corporation, nor to purchase or obtain in any way (except by location) any additional mining ground, unless such act be ratified by the holders of at least two thirds of the stock of such corporation then outstanding. Such ratification may be made either in writing, signed and acknowledged by such stockholders, or by resolution, duly passed at any regularly called stockholders' meeting. The certificate of the secretary of any mining corporation, reciting such ratification at a stockholders' meeting, or the names of stockholders with the amount of stock held by each, and the total stock outstanding, signed and acknowledged by him in the manner provided for acknowledgments to conveyances of real property, may be attached to or indorsed upon any deed, mortgage, conveyance, or other instrument made under this Act and recorded with such deed, conveyance, or other instrument, and the recitals contained in such certificate, or the duly recorded copy thereof, are made prima facie evidence of their truthfulness for all purposes whatsoever; *provided*, that no one except a stockholder in any such corporation shall be permitted to urge any objection to the acquisition of any additional ground or other property by such corporation.

Only stockholder may object.

SEC. 2. This Act shall take effect immediately.



## CHAPTER XCIII.

*An Act to amend section four thousand four hundred and twenty-eight of the Political Code of the State of California, relating to the powers of Judges of Police Courts to call in Justices of the Peace to act in their place and stead.*

[Approved March 9, 1897.]

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

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

4428. In all cases in which the judge is a party, or in which he is interested, or in which he is a witness, or in which he is related to either party by consanguinity or affinity within the third degree, and in case of sickness or inability, or temporary absence from the city, the Police Judge, or Judge of the Police Judge Court, may by written request call in any Justice of the Peace of the same county to act in his place and stead, and while so acting shall be vested with the power of the judge for whom he so holds court. In which case the proper entry of the proceedings before the attending justice, subscribed by him, shall be made in the docket of the judge for whom he so holds the court; and the same shall be prima facie evidence of such proceedings, and form and become a part of the record of any, or any part of any and all actions, causes, or proceedings had before such attending justice while so holding the court.

Police  
Judge may  
request  
Justice of  
Peace to  
preside.

Entry to  
be made  
in docket.

## CHAPTER XCIV.

*An Act to amend section eleven hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments and validating records heretofore made.*

[Approved March 9, 1897.]

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

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

1159. Judgments affecting the title to or possession of real property, authenticated by the certificate of the clerk of the court in which such judgments were rendered (and notices of location of mining claims), may be recorded without acknowl-

Judgments  
against  
real estate,  
how  
recorded. ;

Work upon mining claims.

edgment, certificate of acknowledgment, or further proof. The record of all notices of location of mining claims heretofore made in the proper office without acknowledgment, or certificate of acknowledgment, or other proof, shall have the same force and effect for all purposes as if the same had been duly acknowledged, or proved and certified as required by law. Affidavits showing work or posting of notices upon mining claims may also be recorded in the Recorder's office of the county where such mining claims are situated.

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

### CHAPTER XCV.

*An Act to amend section five hundred and eighty-one of the Code of Civil Procedure.*

[Approved March 9, 1897.]

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

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

When an action may be dismissed or nonsuited.

581. An action may be dismissed, or a judgment of nonsuit entered, in the following cases:

1. By the plaintiff himself, by written request to the clerk, filed among the papers in the case, at any time before trial, upon payment of costs; *provided*, a counter-claim has not been made, or affirmative relief sought by the cross complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the clerk to the defendant, who may have his action thereon;

2. By either party upon the written consent of the other;

3. By the court, when the plaintiff fails to appear on the trial, and the defendant appears and asks for the dismissal;

4. By the court, when, upon the trial and before the final submission of the case, the plaintiff abandons it;

5. By the court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury;

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

The dismissals mentioned in subdivisions one and two hereof are made by entry in the clerk's register.

The dismissals mentioned in subdivisions three, four, five, and six of this section, shall be made by orders of the court entered upon the minutes thereof, and shall be effective for all purposes when so entered, but the clerk of the court shall note such orders in his register of actions in the case.

7. And no action heretofore or hereafter commenced shall be

further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced, on its own motion, or on motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have been issued within one year, and all such actions shall be in like manner dismissed, unless the summons shall be served and return thereon made within three years after the commencement of said action. But all such actions may be prosecuted, if appearance has been made by the defendant or defendants, within said three years, in the same manner as if summons had been issued and served.

Statute of  
limitation.

#### CHAPTER XCVI.

*An Act to repeal section four hundred and fifteen of the Political Code of California, relative to the translation of the laws into Spanish, and their distribution.*

[Approved March 9, 1897.]

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

SECTION 1. Section four hundred and fifteen of the Political Code of California, relative to the translation of laws into Spanish, and their distribution, is hereby repealed.

Laws in  
Spanish.

SEC. 2. This Act shall take effect immediately.

#### CHAPTER XCVII.

*An Act to regulate and govern the operation of the rock-crushing plant at the State Prison at Folsom, to provide for the sale of crushed rock, and the disposition of the revenues derived therefrom.*

[Approved March 11, 1897.]

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

SECTION 1. The State Board of Prison Directors shall regulate, govern, and have full control of the rock- or stone-crushing plant established at the State Prison at Folsom, the product thereof, the revenues derived therefrom, and all appropriations of money therefor.

Board of  
Prison Di-  
rectors to  
control  
rock-  
crushing  
plant at  
Folsom.

SEC. 2. The plant shall be operated by convict labor, and by the application of the mechanical and water power belonging to the State Prison at Folsom, together with such free labor as the State Board of Prison Directors may deem necessary for

How  
operated.

superintending, directing, and guarding the convicts employed thereon.

**Sale of road metal.** SEC. 3. The State Board of Prison Directors are hereby empowered and authorized to sell and to otherwise dispose of the crushed-rock product of the said plant; *provided*, that in all cases preference shall be given to orders received from the Bureau of Highways for crushed rock for road metal for highway purposes.

**Sale price.** SEC. 4. The sale price of all crushed rock sold for road metal for highway purposes shall be the cost of production, with ten per centum added, delivered on board cars or other vehicles of transportation at the rock-crushing plant; *provided*, that no rock shall be sold for highway or other purposes for a less price than thirty cents per ton.

**Cost of metal, how estimated.** SEC. 5. The cost of production shall be ascertained by estimating the cost of explosives, oil, fuel, tools, repairs, free labor, supplementary machinery, the preparation and maintenance of beds, boxes, crates, or other unloading devices for carriage to and delivery from cars, of said crushed rock, the leasing of railroad cars, and the cost of such other materials, supplies, and expenses as may be required and used in producing each ton of crushed rock ready for sale delivery.

**May lease cars.** SEC. 6. The State Board of Prison Directors are hereby authorized to lease railroad cars, with equipments suitable for the rapid and economical handling and delivery of crushed rock, prepared as aforesaid, whenever in their judgment the interest of the people of the State will be conserved thereby, in the matter of highway construction, by the use of said crushed rock. The cost of said leasing shall be carried into the cost of production described in section five.

**Revolving fund.** SEC. 7. The amount of five thousand dollars heretofore appropriated is hereby set apart to and for the usage of the State Board of Prison Directors, to provide and maintain a permanent revolving fund for the purpose of operating and maintaining the rock-crushing plant at Folsom Prison. The money taken from said revolving fund shall be used exclusively for operating and maintaining the said rock-crushing plant. So much of the money received from the sale of crushed rock as shall be necessary to that end, shall be returned to said revolving fund, as it is needed to keep the same constantly at the said figure of five thousand dollars.

**Disposal of surplus funds.** SEC. 8. Whenever the revolving fund shall be replenished, and there shall be a surplus, or balance, over the amount appropriated, this surplus, or balance, shall be paid, not less frequently than semi-annually, into the state treasury, to the credit of the fund known as "The State Prison Fund of Folsom Prison," for the use and support of Folsom Prison.

**Duty of clerk at Folsom.** SEC. 9. The clerk of the State Prison at Folsom shall keep such records, books, and accounts as may be necessary to at all times clearly exhibit the financial, business, and other transactions of the said rock-crushing plant. All such records, books, and accounts shall be kept separate and distinct from those relating to other prison affairs.

SEC. 10. For all sums of money herein required to be paid, drafts shall be drawn on the Controller of State, signed by at least three members of the State Board of Prison Directors. Said drafts shall be sent to the State Board of Examiners, to be by them approved, and after approval by said State Board of Examiners, the Controller of State shall draw his warrant in behalf of said State Board of Prison Directors, on the State Treasurer, who shall pay the same, on presentation of such warrant; *provided*, that the State Board of Examiners is hereby expressly prohibited from approving of any of said drafts until the same are presented with itemized statements, showing specifically the services rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the said statement shall give the name of each article, together with the price paid for each, and of whom purchased, together with the date of purchase.

Disbursement of money.

SEC. 11. If any of the buildings, machinery, or structures appertaining to or comprising the said rock-crushing plant are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the State Board of Prison Directors, by and with the consent solely of the Governor, the Attorney-General, and the Secretary of State, and the expenses thereof, not to exceed in amount the sum of ten thousand dollars, shall be paid out of any funds in the state treasury not otherwise appropriated by law, and the provisions of no other Act shall apply to or govern or limit this section, or any of the powers or duties herein conferred.

Plant may be rebuilt.

Appropriation therefor.

SEC. 12. The State Board of Prison Directors are hereby authorized and empowered to perform such other acts and duties as may be necessary to carry out the full intent and meaning of this Act.

Powers of Prison Directors.

SEC. 13. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 14. This Act shall take effect immediately.

## CHAPTER XCVIII.

*An Act to amend section six hundred and two of the Civil Code, relating to corporations sole.*

[Approved March 11, 1897.]

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

Section six hundred and two of the Civil Code of California is hereby amended to read as follows:

602. Whenever the rules, regulations, or discipline of any religious denomination, society, or church so require, for the administration of the temporalities thereof, and the management of the estate and property thereof, it shall be

Religious society may become a corporation sole.

lawful for the bishop, chief priest, or presiding elder of such religious denomination, society, or church to become a sole corporation, in the manner prescribed in this title, as nearly as may be, and with all the powers and duties, and for the uses and purposes in this title provided for religious incorporations, and subject to all the conditions, limitations, and provisions in said title prescribed. Every corporation sole shall, however, for the purposes of the trust, have power to contract in the same manner and to the same extent as a natural person, and may sue and be sued, and may defend, in all courts and places, in all matters and proceedings whatever, and shall have authority to borrow money, and give promissory notes therefor, and to secure the payment thereof by mortgage or other lien upon property, real or personal; to buy, sell, lease, mortgage, and in every way deal in real and personal property in the same manner that a natural person may, and without the order of any court; to receive bequests and devises for its own use or upon trusts to the same extent as natural persons may; and to appoint attorneys in fact.

The articles of incorporation to be filed shall set forth the facts authorizing such incorporation, and declare the manner in which any vacancy occurring in the incumbency of such bishop, chief priest, or presiding elder is required by the rules, regulations, or discipline of such denomination, society, or church to be filled, which statement shall be verified by affidavit, and for proof of the appointment or election of such bishop, chief priest, or presiding elder, or of any succeeding incumbent of such corporation, it shall be sufficient to record with the clerk of the county in which such bishop, chief priest, or presiding elder resides, the original or a copy of his commission, or certificate, or letters of election or appointment, duly attested; *provided*, all property held by such bishop, chief priest, or presiding elder shall be in trust for the use, purpose, and behoof of his religious denomination, society, or church. 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, orphan asylums, parsonages, or cemetery purposes. Any judge of the Superior Court in the county in which any corporation is formed under this chapter shall at all times have access to the books of such incorporation. Any corporation sole heretofore organized and existing under the laws of this State may elect to continue its existence under this title by filing a certificate to that effect, under its corporate seal and the hand of its incumbent, or amended articles of incorporation, in the form required by this title, and as prescribed by section two hundred and eighty-seven of this Code; and from and after the filing of such certificate or amended articles, such corporation shall be entitled to the privileges and subject to the duties, liabilities, and provisions in this title expressed.

Powers.

Articles of incorporation to set forth, what.

Certain limitation does not apply.

Continuation of corporation sole.

## CHAPTER XCIX.

*An Act to amend an Act entitled "An Act to enable school districts in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March 31, 1891, entitled an Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March 23, 1893, by amending sections one, eight, and nine thereof, so as to provide more fully for carrying into effect the intention of the provisions of said Act.*

[Approved March 11, 1897.]

*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 enable school districts in cities of the fifth class, and school districts which embrace a territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an Act approved March thirty-first, eighteen hundred and ninety-one, entitled an Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," approved March twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:

The board of education of any school district in a city of the fifth class, or of any school district which embraces territory, a portion of which is within and a portion of which is without such city of the fifth class, may, when in their judgment it is advisable, and must, when requested by the Board of Trustees of such city, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to

School districts in cities of fifth class. Act amended.

Duty of board of education as to raising money for school purposes.

purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

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

Duty of Supervisors.

Section 8. The Board of Supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district for the interest and redemption of said bonds; and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest; and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all moneys so levied, when collected, shall be paid into the county treasury to the credit of the building fund of such district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer, upon the warrant of the Auditor, out of the fund provided therefor; and it shall be the duty of the Auditor to cancel and file with the Treasurer the bonds and coupons as rapidly as they are paid. This section shall also apply to all cases where bonds were issued under the provisions of the aforesaid Act, approved March thirty-first, eighteen hundred and ninety-one, and in such cases all moneys collected under the provisions of this section shall be paid by the County Treasurer, upon the warrant of the Auditor, to the City Treasurer of the city where such bonds and the interest thereon are payable. Warrants for all such moneys shall be drawn by the Auditor from time to time, upon the demand of such City Treasurer.

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

Duties of State Board of Equalization and Controller.

Section 9. If the Board of Supervisors of any county in which any school district has issued bonds, under the provisions of this Act, or under the provisions of said Act approved March thirty-first, eighteen hundred and ninety-one, 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 bonds, 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 district a sufficient rate to raise the amount of principal and interest past due prior to the 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 district 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 shall be transmitted to the Treasurer of the county in which is situated the district by which such bonds were issued, and shall be placed by the County Treasurer to the credit of the general school fund of said district.

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

### CHAPTER C.

*An Act to provide for the purchase of a portrait of ex-Governor John McDougall, by the State Board of Examiners, and to appropriate money therefor.*

[Approved March 11, 1897.]

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

SECTION 1. The State Board of Examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of ex-Governor John McDougall, the same to be appropriately framed, at a price not to exceed five hundred dollars; and upon delivery of such portrait, so framed, to the said Board of Examiners, the Controller shall draw his warrant as said Board of Examiners may direct, for the amount of the contract price, and the Treasurer is hereby directed to pay the same.

Portrait  
of ex-Gov-  
ernor Mc-  
Dougall.

SEC. 2. The sum of five hundred dollars, or so much thereof as may be necessary to pay the Controller's warrant, drawn under the provisions of section one of this Act, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose named in section one of this Act.

Appropriation.

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

## CHAPTER CI.

*An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.*

[Approved March 11, 1897.]

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

Accepting  
Yountville  
home as  
State insti-  
tution.

Descrip-  
tion.

SECTION 1. The State of California accepts from the Veterans' Home Association, a private corporation, and for the purposes of a home for aged and indigent ex-soldiers, sailors, and marines of the United States army, a conveyance of the following described real estate, with all the improvements thereon and appurtenances thereto belonging, and the personal property connected therewith, situate in Napa County, State of California, to wit: Commencing at a point in the center of the county road leading from Napa City to Yountville, from which point a stone in the center of said road bears north thirty degrees west fifteen (15) links distant, said stone being sixty and eight one hundredths (60.08) chains southerly from the intersection of said road with the south line of lands formerly belonging to George C. Yount and granted to him by the Mexican government, and running thence south thirty degrees east, thirty-three and eighty-five one hundredths (33.85) chains to a point in the center of the above-mentioned road from which a white oak thirty inches in diameter bears north eighty-seven degrees east one and eighteen one hundredths (1.18) chains distant, thence south fifty-nine degrees west seventy-eight (78) chains and eight (8) links; thence north thirty degrees west about thirty-five (35) chains to the southerly line of the one hundred (100) acre tract commonly known as the Jessee one hundred (100) acre tract, thence south fifty-nine degrees west to the southwesterly corner of said Jessee tract; thence north thirty degrees west to the western line of the land granted by the Mexican government to Salvador Vallejo; thence north fourteen degrees east along said grant line to where said grant line intersects the northerly line of said Jessee tract; thence in the northerly line of said Jessee tract north fifty-nine degrees east to the northeastern corner of said Jessee tract; thence south thirty degrees east about twenty-one chains to the northerly line of land conveyed by J. M. Harbin to W. S. Clark by deed dated June twenty-fifth, eighteen hundred and fifty-six, recorded in liber "C" of deeds, page five hundred and nineteen, records of Napa County; thence in a northerly line of said last-mentioned tract north fifty-nine degrees east three and ninety-three one hundredths (3.93) chains to a stake in a mound of stones; thence

south twenty-two and one half degrees east four and seventy-two one hundredths (4.72) chains to a post in a mound of stones from which a large spring bears north six and three fourths degrees, west fifty-nine (59) links distant; thence north sixty-seven and one half degrees east two and sixty-two one hundredths (2.62) chains to a post in a mound of stones; thence north twenty-two and one half degrees west four and eighty-eight one hundredths (4.88) chains to a point, which point is south thirty degrees east fifteen (15) links distant from the said northerly line of said tract of land conveyed by J. M. Harbin to W. S. Clark by deed dated June twenty-fifth, eighteen hundred and fifty-six, as aforesaid, and thence parallel with and fifteen (15) links distant from said line thirty-three and twenty-seven one hundredths (33.27) chains to the point of beginning.

Descrip-  
tion.

Also, that certain other tract of land adjoining the above-described tract on the southwest and described as follows: Commencing at the western corner of Hiram Smith's tract of forty acres, and running north seventy-six degrees west to the western line of Salvador Vallejo's grant, thence with said line north fourteen degrees east to a point where the southern line of the above-mentioned Jessee one hundred acre tract intersects said line; thence south, twenty-nine degrees and thirty minutes east eleven and three one hundredths (11.03) chains; thence north sixty degrees thirty minutes east ten (10) chains; thence south thirty degrees east sixty-three and thirty-five one hundredths (63.35) chains; thence north sixty-one degrees east eleven and ten one hundredths (11.10) chains; thence south twenty-nine degrees thirty minutes east thirty-four and sixty one hundredths (34.60) chains to said Smith's forty acre tract, and thence south sixty-one degrees west eleven and ten one hundredths (11.10) chains to the place of beginning.

Also, all those certain tracts, pieces, and parcels of land situate in said county and State, and described, according to the United States government surveys, as follows, to wit: Lots numbers one (1) and two (2), of section eleven (11), and lots numbers seven (7) and eight (8) and the northeast quarter of the southwest quarter of section two (2), in township number six (6) north, range number five (5) west, Mount Diablo meridian. Saving and excepting all such parts or portions of said lands as are held, used, or owned by the Napa Valley Railroad.

SEC. 2. Said property shall continue to be used as a home for aged and indigent United States ex-soldiers, sailors, and marines. The home shall be a state home, under the exclusive management and control of the State, by a board of eleven directors, to be appointed by the Governor, six of whom shall be appointed for the period of four years, and five of whom shall be appointed for the period of two years, as the terms of office of the directors so to be appointed expire; and in case of a vacancy sooner the Governor shall appoint their successors, who shall each serve for the period of four years thereafter,

Shall be  
a State  
home.

Directors.

except that in the event of a vacancy, then the appointee shall only serve for the unexpired period.

Oath of office.

SEC. 3. Each member of the board of directors shall take and file with the Secretary of State the following oath of office: "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 a member of the Board of Directors of the Veterans' Home of California, according to the best of my ability." The members of the first board shall take and file this oath of office and enter upon their duties within ten days after the taking effect of this Act and their notification thereof, and their successors shall take and file said oath of office within thirty days after their appointment and notification thereof. The terms of office of the directors shall be construed to begin at the date this Act takes effect.

Title of board.

SEC. 4. The board of directors shall be known by the name and style of "The Board of Directors of the Veterans' Home of California," and by this name may sue and be sued in any of the courts of this State; and all property held by said board shall be in trust for the State and for the use and benefit of said home. The said board shall have power to manage said home, and administer its affairs, make by-laws for the government of the board, not in conflict with the general laws of the State, adopt rules and regulations for the government of said home, which rules and regulations shall conform, as near as possible, to the rules and regulations by which the United States Soldiers' Home, and branches thereof, are governed. The records, reports, and accounts kept by the board shall conform to the requirements of the board of managers of the National Home for Disabled Volunteer Soldiers. The board shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. They shall keep the home open to inspection by the board of managers of the National Home for Disabled Volunteer Soldiers. They shall hold stated meetings at the home quarterly, and as much oftener as in their judgment the business may demand. They shall hold at least one meeting at the office in San Francisco each month, and as often as may be necessary for the auditing of bills and the transaction of business pertaining to the home. A majority of the members shall constitute a quorum for the transaction of business. They shall appoint such subcommittees as in the judgment of the board will be necessary. They shall also cause to be kept a record to be called the "General Register," in which shall be recorded the following, as to the applicants for admission: number, name, age, place of birth, occupation, date of admission, date of rejection, if not admitted, residence at time of admission, length of residence in the State of California immediately prior to admission, residence at time of entering the service, date of enlistment, company, regiment, branch or arm of service, date of discharge, disease, wounds, or disability, married or single, pensioner or

Powers and duties of board of directors.

Meetings, etc.

"General register."

not, rate of pension, estate or income, fraternal society, if any, to which he belongs, date of discharge from home and reason therefor, place of and date of death and place of burial, and remarks.

Sec. 5. Immediately after they qualify, the members of the first board shall meet and organize by electing one of their number president and one of their number vice-president, who shall hold office for two years. They shall also at such meeting, and every two years thereafter, elect a commandant, a secretary, a treasurer, and medical director, each of whom shall be either a Union or Mexican veteran, and neither of whom shall be a member of the board of directors. The board shall have power to remove any officer elected by it, but no such removal shall be made except for cause and after a full and fair hearing before the board. All vacancies, whether occurring from death, resignation, or removal, shall be filled by the board of directors for the unexpired term. The term of office of all officers elected by the board, as herein provided, shall be two years and until their successors shall be elected and qualified. Before entering upon their duties the commandant, secretary, treasurer, and medical director shall take the oath of office and each file with the board an undertaking in such an amount as the board may determine, and conditioned upon the faithful discharge of his duties. Said undertaking shall be signed by at least two sureties, or may be the undertaking of some authorized surety company, but in either case it must be approved by the board. The duties of all officers and employes appointed by the board shall be prescribed by said board, and the same may be changed from time to time by a majority vote. The board shall fix the compensation of all its appointees and employes, and may change the same from time to time at its discretion.

Organiza-  
tion of  
board of  
directors.

Term of  
office.

Official  
bonds.

Duties and  
compensa-  
tion of  
employes.

Sec. 6. The board shall fix a schedule of wages by which the veterans, when able and desiring to do light work, may be employed. The board shall audit all claims for labor and supplies, legally chargeable against said home. They may likewise audit the expense of procuring the officers' bonds, if any such expense be incurred, and shall direct the payment of their salaries, and do all things necessary for the proper conduct of the business of maintaining said home.

Wages.

Sec. 7. The board shall make a report on the fifteenth day of August of each year to the Governor, containing a statement of all receipts and expenditures, the condition of the home, the number of veterans received and discharged during the year ending with June thirtieth, and such other matters touching upon the management, conduct, and interests of the home, as they may deem proper, or as may be required by the Governor. The board shall also make such other reports, from time to time, as the Governor may require. All reports shall be verified by the oath of the president of the board, and shall be certified by the secretary of the board.

Annual  
report.

Sec. 8. All moneys received by the State from the Federal Government for the use of the home, together with all moneys appropriated by the State for the support and maintenance of

Moneys  
and appro-  
priations.

said institution, shall be received by the State Treasurer and placed to the credit of a fund to be entitled "fund for the support and maintenance of the Veterans' Home of California."

Bills to be approved by Board of Examiners.

SEC. 9. All bills and charges against the board for supplies, salaries, or other expenses incurred by it, shall first be audited by said board and thereafter forwarded to the State Board of Examiners for their approval, and when approved by said Board of Examiners the Controller shall immediately issue his warrant in payment thereof, which warrant shall be paid out of any moneys in said fund.

Duty of treasurer of board of directors.

SEC. 10. All moneys received by the directors or any officer of the home (except such as may be paid to them by the State for disbursement), including pension moneys belonging to the pensioners in the home, and all other trust moneys, shall be immediately paid over to the treasurer of the board. Upon the first day of each month the treasurer of the board shall forward to the State Treasurer all moneys then in his possession as treasurer, except pension moneys and other trust funds, the canteen fund, and the moneys hereinafter referred to as subject to their direct disbursement and designated as the "emergency fund," together with a statement of the sources from whence the same has been received. Said moneys shall be immediately deposited by the State Treasurer to the credit of the fund hereinbefore designated as the "fund for the support and maintenance of the Veterans' Home of California."

State Treasurer.

Contracts for supplies

SEC. 11. All supplies, except those not of a general character, and not exceeding in value the sum of five thousand dollars in any one year, shall be furnished said home on contract, let to the lowest responsible bidder; notice to bidders shall be published for a period of two weeks in a newspaper of general circulation, published in each of the following cities, to wit: Napa, Sacramento, and San Francisco. Such notice shall state that the board will receive bids for the needed supplies, setting forth the kind, quality, and quantity of each article required, and that the same must be delivered at the railroad station at Yountville, free of charge, at such time and in such quantity as the board may direct. The notice must also state with whom the bids are to be filed, the time and hour when and the place where the bids will be opened and the contract awarded. At the time and place appointed, the board shall proceed to open all bids and shall award the contract to the lowest responsible bidder in each line of supplies called for; *provided, however*, the board may reject any bid which does not conform to the requirements of the published notice, and if, in their judgment, all bids for any line of supplies are unsatisfactory, they may reject all such bids and re-advertise as in the first instance. Bids shall be called for and contracts let in the months of June and December, or as near that time each year as practicable, and no contract shall be entered into for a longer period than six months. Before entering into a contract with any successful bidder, the board shall require an undertaking from such bidder, payable to the State of California, in such sum as they deem sufficient to secure the faithful performance of the contract. Such bonds shall be approved by the board.

Advertisement.

Time of calling for bids.

For the purchase of supplies, not of a general character, the making of necessary and emergency repairs, the construction of minor improvements, and for the defraying of incidental expenses, the board shall have the power to expend each year a sum not to exceed in the aggregate five thousand (\$5,000) dollars without first submitting said items to the approval of the Board of Examiners, and the Controller is hereby authorized and directed to issue his warrants from time to time, drawn in favor of the treasurer of the board and payable out of the fund herein referred to for such expenses upon a requisition therefor, signed by the president and secretary of the board. Such warrants shall not exceed, however, in any one year the sum of five thousand dollars. At the end of every three months the board shall file with the Board of Examiners a detailed statement, showing the expenditure, by items, of all sums of money so used. The treasurer of the board, upon receiving any moneys from the State Treasurer, under the foregoing provision, shall enter the same in his books in an account to be designated "emergency fund," and he shall pay the same out only upon drafts signed by the president and secretary of the board.

Emergency  
expendi-  
tures.Emergency  
fund.

SEC. 12. No person shall be admitted to reside in said home (families of officers and employes excepted) who is not an honorably discharged United States soldier, sailor, or marine, and who has not been a bona fide resident of the State of California for a period of one year immediately preceding his application, except those provided for in section sixteen of this Act. The board may make such additional rules governing the admission of applicants as in its judgment may be deemed just and proper and for the best interests of the home.

Qualifica-  
tions for  
admission.

SEC. 13. Each director and officer of the board shall receive his actual and necessary traveling expenses in attending all the meetings of the board, and in traveling on business authorized by the board. Such traveling expenses to be paid out of any moneys appropriated for the support of said home.

Traveling  
expenses.

SEC. 14. The board of directors may maintain an office in the City of San Francisco at an expense for rent, light, fuel, telephone, and janitor, not to exceed the sum of six hundred (\$600.00) dollars per annum.

Office in  
San  
Francisco.

SEC. 15. The Governor and Attorney-General of the State, on behalf of the State, are hereby authorized to receive from the Veterans' Home Association, a corporation, all such deeds, conveyances, or other assurances as may be necessary in law to vest in the people of the State of California the title to the Veterans' Home property, with all appurtenances, and personal property of every kind connected therewith.

Deeds of  
property to  
the State.

SEC. 16. The board may, at its option, receive to the home disabled or indigent veterans, soldiers, sailors, or marines, who served in the Civil or Mexican wars, or in any other wars of the Union, and who shall be residents of any other State or Territory, upon condition that such applicants shall pay to the State of California for their maintenance and support at said home at the same rate per capita that the maintenance and support of said home shall cost the State of California per

Non-  
resident  
inmates.

capita. Said payment to the State may be made by the applicant, or by the Governor of the State or Treasurer from whence he comes.

SEC. 17. This Act shall take effect upon the first day of July, one thousand eight hundred and ninety-seven.

## CHAPTER CII.

*An Act entitled an Act to amend section two thousand and three of the Political Code.*

[Approved March 11, 1897.]

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

SECTION 1. Section two thousand and three of the Political Code is hereby amended to read as follows:

N. G. C.,  
organiza-  
tion of.

Certain  
officers to  
be placed  
upon the  
retired list.

2003. The National Guard of the State of California is hereby organized into three brigades, each commanded by a brigadier-general, the limits of each brigade to be fixed by the commander-in-chief. Brigadier-generals and their staff officers, colonels and their staff officers, and all regimental and company officers deprived of their office by reason of the reorganization herein provided for, or by reason of the provisions of an Act of the Legislature, approved March twenty-sixth, eighteen hundred and ninety-five, entitled "An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and nineteen, one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty-two, one thousand nine hundred and forty-two, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy, one thousand nine hundred and eighty, one thousand nine hundred and eighty-three, one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and ninety, two thousand and three, two thousand and four, two thousand and seven, two thousand and twenty-two, two thousand and twenty-four, two thousand and twenty-seven, two thousand and forty, two thousand and forty-eight, two thousand and seventy-six, two thousand and eighty-three, two thousand and ninety-four of the Political Code of the State of California, and to add one new section thereto, to be known and numbered as section one thousand nine hundred and ninety-one, and to repeal section one thousand nine hundred and eighty-seven, one thousand nine hundred and eighty-eight, one thousand nine hundred and eighty-nine, and two thousand and five, all relating to the National Guard of California," and all officers mustered out of the service by reason of such reorganization under general orders from the Adjutant-General's office of the State of California, numbers eight, ten, eleven, thirteen, seventeen, series of eighteen hundred and ninety-five, and general orders numbers two and three, series of eighteen hundred and ninety-six, respectively



(*provided*, such officers shall have served as commissioned officers at least five years in the National Guard of California), <sup>Provisos,</sup> be and the same hereby are placed upon the retired list with their rank; *provided*, that such officers shall make application to be placed on the retired list in accordance with subdivision three of section nineteen hundred and seventy-three of the Political Code, and that all enlisted men mustered out of the service under the provisions of the reorganization of the National Guard of California, mentioned in section one of this Act, shall be and the same hereby are entitled to all of the privileges and exemptions mentioned in section nineteen hundred and thirty-six of the Political Code, upon making a proper application therefor; *provided*, such enlisted men shall have served at least five years in the National Guard of California.

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

### CHAPTER CIII.

*An Act to enable any county, city and county, city, or town to lease property to any association of veteran soldiers, sailors, or marines.*

[Approved March 11, 1897.]

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

SECTION 1. Any county, city and county, city, or town is authorized to lease, for a period not exceeding twenty years, to any association of veteran soldiers, sailors, or marines who have served the United States honorably in any of its wars, and who are organized for patriotic, fraternal, and benevolent objects in such county, city and county, city, or town, to be used for the purposes of such association, any lot or public building, or any part thereof, belonging to said county, city and county, city, or town, and not required for public use, at a rental, to be fixed by the Board of Supervisors of such county, city and county, or by the Common Council or Board of Trustees of such city or town. <sup>Lease of property to veteran associations.</sup>

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

### CHAPTER CIV.

*An Act making an appropriation for the support of the state printing office for the remainder of the forty-eighth fiscal year.*

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

SECTION 1. The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, <sup>Appropriation for support of state printing office.</sup>

for the support of the state printing office, for the remainder of the forty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 11, 1897.]

## CHAPTER CV.

*An Act establishing a State Normal School in San Diego County, California, and making an appropriation of fifty thousand dollars therefor.*

[Approved March 13, 1897.]

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

San Diego  
Normal  
School.

SECTION 1. There is hereby established in the County of San Diego, State of California, a school, to be called the State Normal School of San Diego, California, for the training and educating of teachers in the art of instructing and governing in the public schools of this State.

Trustees.

SEC. 2. The Governor shall, within thirty days after the passage of this Act, appoint five persons, who, with the Governor and State Superintendent of Public Instruction, shall constitute the board of trustees of said State Normal School of San Diego.

Trustees to  
select site.

SEC. 3. The said trustees, as provided for in section two of this Act, are hereby appointed and created trustees of said state normal school, with full power and authority to select a site for the permanent location of said state normal school in the said County of San Diego. Said trustees shall, within ninety days after the passage of this Act, examine the different sites offered by the people of the said County of San Diego for the location of the said state normal school buildings, and select therefrom a suitable location for said state normal school buildings; or should there be offered a proper site, with suitable buildings already constructed thereon, adapted for the use of such school, it shall be in the discretion of such trustees to accept such site; and the site selected by them shall be and remain the permanent site for the said State Normal School of San Diego; *provided*, that no money shall be expended for said school until the site selected has been donated to this State, and a deed in fee simple of the land selected by the said board of trustees of said state normal school shall be made to this State.

Site to be  
donated.

School gov-  
erned by  
existing  
laws.

SEC. 4. The said State Normal School of San Diego shall be governed and regulated by the same laws now governing and regulating the other state normal schools of this State.

Appropriation.

SEC. 5. The sum of fifty thousand dollars is hereby appropriated out of any moneys of the State not otherwise appropriated, for constructing, furnishing, and maintaining said State Normal School of San Diego.

SEC. 6. The Controller of State is hereby authorized to draw warrants from time to time, as the work shall progress, in favor of the said board of trustees of said State Normal

School of San Diego, upon their requisition for the same, and the State Treasurer is directed to pay the same.

SEC. 7. The moneys hereby appropriated therefor shall be expended under the direction of the said board of trustees of the State Normal School of San Diego.

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

## CHAPTER CVI.

*An Act providing for general primary elections within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, and for other purposes.*

[Approved March 13, 1897.]

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

SECTION 1. All primary elections held within this State for the nomination of any candidate for a state or district office, member of Congress, members of the Legislature, city, city and county, county, or town officers, or for the election of delegates to a convention for the purpose of making such nominations, shall be held under the provisions of this Act. A convention to nominate candidates to be voted for by the electors of the entire State shall be known as a "state convention." Conventions to nominate representatives in Congress, members of the Board of Equalization, or Railroad Commissioners, shall be known as "district conventions." All other conventions shall be known as "local conventions."

Primary elections.

Conventions, how designated.

SEC. 2. All primary elections shall be held in this State at the times hereinafter specified, and not otherwise. In years when by law electors of President and Vice-President are to be voted for, a state convention to select delegates to a national convention to select candidates for President and Vice-President, which state convention shall have power at its option to divide itself into a district convention, or district conventions, to nominate candidates for Congress, or other district nominees, shall be composed of delegates selected pursuant to the provisions of this Act, at a general primary election to be held for such purpose upon the last Tuesday of March in each such year. A general primary election for the election of delegates to the state and district conventions in the year eighteen hundred and ninety-eight, for the purpose of nominating candidates for office to be voted for at the next ensuing general election, shall be held on the second Tuesday in the month of July in that year, and every four years thereafter on the same day. It shall be the duty of the board of election commissioners of each respective county, or city and county, by resolution, to prescribe and designate a day, or days,

Time of holding primary elections.

Duty of boards of election commissioners.

upon which a primary election, or primary elections, for delegates to a county, or city and county, or city, or other local convention, for the purpose of nominating county, or city and county, or city, or other local officers, may be held, and each of said boards shall have the power to prescribe that separate primary elections shall be held for the election of delegates to a county, city, city and county, or other local convention, and for the election of delegates to a city or various city conventions for the nomination of city officers, or may prescribe that both sets of delegates shall be elected at the same primary election. Such resolution must be made by said board at least sixty (60) days prior to the day named by said board or fixed by law for any election of any public officer or officers, and notice thereof shall be published for at least five successive days in one daily newspaper of general circulation, published in the county, or city and county.

Must petition boards of election commissioners.

SEC. 3. All political parties or organizations of electors, desiring to hold a convention or conventions for the purpose of nominating candidates for public office, to be voted for at any election, whether city, county, city and county, or state, must petition the boards of election commissioners of each respective county, or city and county, in writing, at least twenty days before the day for such primary election, which day, unless determined herein by law, must be the day by resolution fixed by the board of election commissioners, as hereinbefore provided, and which petition must set forth:

Petition must set forth.

First—The name by which such political party or organization is known, or desires to be known.

Second—That such political party or organization is desirous of and intends to hold a convention, or conventions, of delegates representing said party or organization—designating the general time and place of holding any such convention, or conventions—for the purpose of nominating candidates for offices to be voted for by the people of the State, or city, or county, or city and county, or both, or all, at the next ensuing election, and is desirous of electing delegates to such convention, or conventions, to be held for that purpose, under the provisions of this Act, and requesting that the board of election commissioners of the county, or city and county, perform the services hereinafter prescribed in this Act. If such political party is one which by reason of its previous vote is entitled to hold a convention defined by sections eleven hundred and eighty-six and eleven hundred and eighty-seven of the Political Code, such petition must be authenticated by the signature of the chairman and secretary of the committee of the party or organization for the respective district or territory throughout which the primaries and election are sought to be held, which committee shall have been selected at the last convention of the party or organization for such territory, or elected or appointed in the method or manner required by law. That is to say, if a primary election is desired throughout the State for the selection of delegates to a state convention, then the petition must be authenticated by the chairman and secretary of the state committee; if

Duty of committees.

for a district convention, then by the chairman and secretary of the district committee; or, if there be no district committee, then by the state committee; if for a county, or city and county convention, then by the county, or city and county committee, and if for a city or other local convention, then by the chairman and secretary of the city committee or local committee, if any, and verified by the oath of such signers that the facts therein stated are true, and that the said signers are the chairman and secretary of said committee, respectively. No political party or organization can use the name of another political party or organization, or any name or designation so similar to another party name that it may deceive voters.

Party names.

SEC. 4. Any political party or political organization which, at the last election preceding the filing of such application, shall not have polled at least three per cent of the entire vote cast in the political division for which nominations are sought to be made, may file, not less than twenty days prior to the time set for any primary election, with the election commissioners of the county, or city and county, in which such primary election is to be held, a petition signed by at least three per cent of the voters at such last election of the political division for which nominations are sought to be made, which need not all be on one paper, which petition shall set out all facts required to be set forth in the application in this Act provided for, and which petition shall further set forth that the persons signing the same are members of such political organization, and intend to support candidates for election as delegates to the convention for their respective political organization, and such petition must be verified in the same manner as required for a certificate of nomination mentioned in section eleven hundred and eighty-eight of the Political Code. Upon the filing of such petition, within said time, the election commissioners of the county, or city and county, in which said primary elections are to be held, shall order its clerk to issue to said political organization a certificate similar to that in this Act provided to be issued to existing political parties, which certificates shall entitle the petitioners to participate in the said primary election, and shall entitle them to all privileges and rights secured and granted to other political parties heretofore existing, both at said primary election and at the ensuing election; that is to say, having complied with all the requirements in this Act provided, the petitioners shall be recognized as a political party or organization. Such certificate shall be issued to all parties petitioning, stating the name of the party, the date of the primary, the territory over which it will extend, and be signed by the clerk of such board.

Participation by petition.

SEC. 5. During the month of January of each year in which a general election is to be held, it shall be the duty of the board of election commissioners of each county, or city and county, to select from the precinct registers of the county, or city, or city and county, the names of not less than fifteen electors residing in each election precinct of such county, or city, or city and county, such selection to be made from each of the politi-

Duty of election commissioners.

ical parties then existing in as nearly an equal proportion as practicable, and to write the name of each person so selected on a separate piece of paper, and to fold said paper so that the name written thereon cannot be seen or read without unfolding the same; and when the names are so written and folded, to put all of the names so selected from each separate election precinct in an envelope, then to close and securely seal such envelope, and to write the name and number of the precinct from which such selection was made on the outside of such envelope, and when the names so selected from each election precinct in such county, or city, or city and county, shall have been so placed in separate precinct envelopes, and each sealed and numbered so as to designate the precinct from which each selection was so made, then all of the said envelopes so marked and sealed shall be placed in a box, to be provided by each board of election commissioners for that purpose, and such box shall then be securely locked and sealed and safely kept by said board of election commissioners until required by them for use, as hereinafter provided. The names so selected shall be forthwith recorded in a book for that purpose by the clerk of the board of election commissioners, which book must be kept open at all times to public inspection.

Selection  
of officers  
of election.

Sec. 6. Twenty days before the holding of any primary election, the said board of election commissioners shall open the said box in the presence of a majority of said board, and in the presence of such of the members of the various political parties as may be present to witness the same, and shall then take from said box the said envelopes, one at a time, and as each envelope is taken from the box it shall be opened and the names therein contained, without being unfolded, shall be placed in a separate box suitable for the purpose; and, after being thoroughly shaken, the clerk of said board, in the presence of the board, shall draw from said box the name of one person, who shall be the inspector of the primary election in such precinct; said clerk shall then draw from said box the names of two persons, who shall be the judges of such primary election in said precinct; and the clerk shall then draw from said box the names of two other persons, who shall be the clerks of such primary election; *provided*, that if the two persons whose names are drawn for judges shall both belong to one political party, the clerk of said board shall lay aside the last name so drawn for a judge, and draw other names from such box until only one of the judges so selected shall belong to the same political party; *and further provided*, that if the two persons whose names are drawn for clerks shall both belong to one political party, the clerk of said board shall lay aside the last name so drawn for a clerk, and draw other names from such box until only one of the clerks so selected shall belong to the same political party; and the same course shall be pursued in each precinct until the election officers are selected in each precinct in such city, county, or city and county. Should all the names be drawn from said box and not a sufficient number of election officers be selected in accordance with the rules herein-

before provided, the said board of election commissioners must select and deposit more names in the box, and continue to draw therefrom until all the election officers are selected; *provided*, that such subsequent selection shall be made from the electors of the precinct in the same manner as those first selected, as provided for in section four of this Act. If any person whose name should be thus drawn as an officer to serve at any primary election should have died, or at the time his name is so drawn should have actually changed his residence and be, at the time of such drawing, an actual, bona fide resident of a place not included within the exterior boundaries of the precinct as determined for such primary election, or should at such time be absent from the State, the clerk of said board shall lay aside his name so drawn and draw the name of another person to serve as an officer in his place and stead. If any person whose name shall be drawn as herein provided, should have been drawn as a precinct election officer for any other primary election held in the same year, he shall, on demand, made within five days after receiving notice of his selection as an officer, be entitled to be excused from further service for such year, and another name shall be drawn from said box, subject to the above provisions, as herein provided. If a precinct as laid down and determined for a primary election should include more than one election precinct as the same existed at the last election, then the names of persons for officers to serve at such primary election precinct shall be drawn as above provided, except that the clerk of the board of election commissioners shall at the same time place in the box in this section provided for, the names selected as hereinbefore provided, for each and all of said election precincts which shall be included in said primary election precinct, and if only a portion of an election precinct is so included in a primary election precinct, then he shall place in the box, in this section provided for, such a proportion of the names selected, as hereinbefore provided, for such election precinct, as the portion of the election precinct included within the limits of the primary election precinct bears to the whole election precinct, and shall then draw the precinct primary election officers therefrom. The said board of election commissioners, after the final selection of officers for each primary election precinct, shall return the said names of said electors to their respective envelopes, and safely keep the same until required for some other primary election.

SEC. 7. It shall be the duty of the clerk of the board of election commissioners to publish, in some newspaper printed in the city, county, or city and county, of general circulation, for two successive publications, at least fifteen days prior to the date of any primary election, a general statement informing voters of the holding of such primary election, the names of the political parties or organizations participating therein, and the officers for which nominations are to be made at ensuing conventions, the names of the persons selected as precinct and election officers, with the names of the precincts

Selection  
of officers  
of election.

Clerk of  
board of  
election  
commis-  
sioners to  
publish  
a general  
statement  
to voters.

in which they severally are to serve, and the location of the polling places. He shall also send a communication to each person so chosen as aforesaid as an officer of such primary election, through the mail, by registered letter, postpaid, to his post office address, informing him of his selection, and of the precinct, and the capacity in which he is to serve. The County Clerk, or other officer acting as the secretary of the board of election commissioners, shall, at the time he mails the notification of the appointment, also inclose a form of oath to the person appointed as election officer, and also a copy of section eight of this Act, with the direction that the person receiving said notification of appointment may take the oath before any officer or notary public authorized to administer oaths, and immediately return by registered mail such acknowledgment to the County Clerk or secretary of the board of election commissioners. The person so appointed must thereupon go before any person authorized to administer oaths, and take the oath of office, and mail the same to the County Clerk or secretary of the board of election commissioners.

Persons chosen as election officers must act.

Penalty.

Oath of election officers.

Failure to appear.

Exemption from jury duty.

Sec. 8. It shall be the duty of every person so chosen to act as such election officer at such primary election, whether for delegates for a city, county, city and county, district, or general convention, to perform the services required of him in such capacity; and any person so chosen to act who shall, without having been excused therefrom by the board of election commissioners for sickness of self or family, or other good cause, fail or refuse to act in the capacity for which he is chosen, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, and not more than two hundred dollars, or by imprisonment for not less than five days nor more than twenty days, or by both said fine and imprisonment; and in case he is so excused, the clerk, in the presence of the board, shall select another person from said box to serve in his place, subject to the same rules and conditions as above set forth. It shall be the duty of each of the persons so chosen to appear at the polling places in the precinct for which he is chosen, before the time of opening the polls, and there take the oath of office, as prescribed in the general election law, and perform the duties imposed upon him by the provisions of this Act, without any compensation whatever. But in case of the failure of any of the election officers so selected to appear at the time the polls should be opened, or within ten minutes thereafter, the election officers present must choose some resident elector of the precinct to fill the vacancy. All persons serving as officers of election at a primary election held under the provisions of this Act, shall be exempt from jury duty for the term of one year thereafter, and such person shall receive from the board of election commissioners of the county, or city, or city and county, in which such service is rendered, a certificate setting forth the fact of such service as an officer of a primary election, stating the time of such service; and such certificate, on being presented to a court in which such election officer has been



summoned to appear as a juror, shall be deemed sufficient to excuse the person named therein from service as a juror at any time within one year from the date of service named in such certificate.

SEC. 9. Where a convention is desired for the nomination of city or town officers only, then the board of election commissioners shall have the same duties and powers in regard to the primary election thereto as they have where county, or city and county officers are to be nominated. When such city officers are to be nominated, then the board of election commissioners shall recognize the governing committees of political parties or organizations of such cities and petitions filed by voters residing therein. City or town conventions.

SEC. 10. Within ten days after the election commissioners have issued the call for any primary election under the provisions of this Act, the state, city, county, or city and county central committee, or other governing authority of any political party or organization desiring to secure a place otherwise than by petition, for the nominees of such party on the official ballots to be voted at the election for public officers, shall publish a notice calling a convention or conventions of the party represented by said central committee or other governing authority, stating the place where and the time when, which must not be less than seven days subsequent to the primary election, such conventions will meet, the apportionment of delegates therefor, and the officers for which nominations are to be made. Such notice for each convention shall be published five successive times in daily newspapers of general circulation, as follows, viz.: For a state convention, in at least one daily newspaper published in the City and County of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles; for a district convention, in one newspaper published in each county or portion of a county included in the exterior boundaries of such district for which the convention is to be held, and if no newspaper be published in the portion of any county included in any such district, then in any newspaper in such county; for a local convention, in one newspaper published in the county, city and county, or city where the primary election is to be held. Call for convention.

SEC. 11. The county, city and county, or city committees of any political party shall apportion the respective territory over which they have jurisdiction into precincts or combinations of contiguous precincts not embracing more than one assembly district, and may provide in its apportionment or call for the election of two sets of delegates, one of which shall be delegates to a county, or city and county convention for the selection of delegates to a state or district convention, or both, and the other to a city, county, or city and county convention for the nomination of county, or city and county, or other officers; may provide that one set of delegates shall perform both functions; may apportion their counties into districts for the election direct of delegates to a state or district convention, or both, and provide for the number of delegates to be elected from each precinct. Apportionment of territory into precincts.

may provide for a county or other local convention, or by subdivision of a county, city and county, or city, into as many parts, not smaller than a precinct, as there are delegates, to elect to a congressional district convention, railroad district convention, equalization district convention, or senatorial or assembly district convention embracing more than one county; may provide that such delegates to a convention shall be delegates to all such other conventions, or to such number thereof as may be designated. When a state or district conventions, or both, or all, shall have been called by the state central committee, or other governing body of any political party, and the delegates thereto shall have been apportioned among the various counties, or cities and counties of the State, by such governing body, which it is hereby authorized to do, the county committee of such political party, or other governing bodies having jurisdiction and control throughout the limits of the respective counties, or any city and county, shall have the power to, and shall apportion the number of delegates allotted to each county, or city and county, by the said state or proper committee, among the different precincts of said county, or city and county, as it may see fit, subject, however, to the provisions of this Act.

Allotment  
of dele-  
gates.

Proxy.

SEC. 12. No person shall be allowed to hold more than one proxy at any convention authorized by law to certify nominations for office on an official ballot for election in this State.

Ballots.

SEC. 13. Ballots, other than those provided according to the provisions of this Act, shall not be cast or counted at any primary election, and no nominations (except for presidential electors and nominations for vacancies at special elections) by any political convention, shall be printed on any official ballot, unless such convention is constituted in accordance with the provisions of this Act.

Election  
commis-  
sioners  
to furnish  
ballot-  
boxes.

SEC. 14. It shall be the duty of the board of election commissioners of the county, or city and county, to furnish ballot-boxes for each precinct where such primary is to be held, of the same general kind and character which were required to be used at the general election held in this State in the year eighteen hundred and ninety, and there must be furnished as many separate ballot-boxes at each precinct as there are parties or organizations entitled by law to participate in such primary. Each such ballot-box must have, in distinct letters and words, upon the front of such box, the name of the respective political party or organization for whose use it is intended. All the ballot-boxes must be placed in a row, side by side, fronting so that the front of each box shall be in the same direction, and be where the voters can easily approach such boxes and present their ballots, and the said party name on each box must be on the front of each, so as to be easily seen and distinguished by any voter within six feet of such box. Every person desiring to vote at such primary must deposit one ballot only, upon which must be the names of all delegates for whom he desires to vote; and it shall be the duty of the clerk of the board of election commissioners of the county, or city and county in which said primary election is to be held, to designate in the

Manner of  
depositing  
ballot.

certificate which is in this Act provided to be furnished to political parties, the color or combination of colors of the paper upon which the ballots are to be printed, and there shall be so designated for each political party participating in said primary election, a color or combination of colors, to be by them used for the paper upon which such ballots are to be printed, which color or combination of colors shall in each case be distinctive and easily distinguishable from the color or combination of colors to be used at said primary election by any other political party; the said clerk shall at least ten days prior to the date of any primary election, also procure to be printed or otherwise made, accurate samples of the color or combination of colors so designated for each political party, and shall label each of such samples with the name of the political party for which it is designated, and shall deliver samples, so labeled, to each respective political party for which said sample is designated, and to all persons desiring the same in good faith, and shall keep in his office, at all times, open to inspection by any person, an exact copy of each and all of said samples so labeled as aforesaid; and the name or designation of each political party must be plainly written or printed at the head of each ticket. The election officers shall stand behind the ballot-boxes, and as each voter approaches to vote, when it is ascertained that he is entitled to vote, it shall be noted in the register, by the clerk, in which box he votes, by writing in the register opposite his name the name on the box in which he votes, and thereupon his ballot shall be received by the judge of election or inspector and deposited in the ballot-box named by such voter, and in no other, in the presence of the voter; *provided*, that no ballot shall be deposited in any box unless it is printed on paper of the color, or combination of colors, designated for the particular party in whose box it is to be placed.

Color of ballots.

Party colors to be distinctive.

Samples of ballot paper.

Manner of voting.

SEC. 15. There shall be at least one polling place, for the purpose of a primary election, for each three polling places provided for at a general election; that is, a polling place for at least each three precincts; and each political party may file with the board of election commissioners a list of the precincts and number and name of street or locality in town, or township, where they desire such polling places, and it shall be the duty of the board of election commissioners to examine said lists and decide which polling places will be most convenient for the voters of the precincts, all of which matters shall be determined by the board of election commissioners. The polls shall be kept open from seven o'clock A. M. to sunset on the day of holding said primary election, and shall be at all times kept open to the public during the reception of ballots, and until the same are counted and the results declared. There must be furnished by the board of election commissioners to the election officers in each precinct, for use at such primary election, a register, together with any supplements thereto, containing the names of each person entitled to vote in such precinct at the last preceding general election, as shown by

Polling places.

Voting hours.

Registers to be furnished to election officers.

the great or precinct register, or both, and the supplements thereto.

Registers to be returned.

SEC. 16. All registers and supplements thereto, used by the officers conducting any primary election, must be forthwith returned to the County Clerk, and by him kept for such use thereafter as the board of election commissioners may make of them.

Oath as to intention to support nominees.

SEC. 17. Any person voting at any primary election, on behalf of any party or for delegates to any convention of a political party or organization, thereby by such act declares, as a test of the right to so vote, a bona fide present intention of supporting the nominees of such political party or organization at the next ensuing election; and any voter may be challenged, and his right to so vote may be withheld, unless he will make oath as to the bona fide present intention to support the nominees of the convention to which delegates are so elected for such political party or organization. No elector who votes at any primary election for the election of delegates to any convention shall sign any petition in favor of or recommending for nomination any person as an independent candidate for any office for which candidates were to be, or shall have been nominated at such convention. No elector shall sign any petition for any independent candidate, or candidates, prior to the date set for the holding of any primary election for the election of delegates to any convention for the nomination of candidates for any office for which such petition is circulated or signed. The clerk or officer with whom any petition of any independent candidate is filed, is authorized and directed to strike out or disregard the name or names of any electors who, upon examination of the voting registers, or otherwise, may be found to have signed such petition in violation of the provisions herein. Any elector or person violating the provisions of this section shall be and hereby is declared guilty of a misdemeanor.

Electors voting at a primary shall not sign petitions of "independents."

Inspection of ballot-boxes.

SEC. 18. Before receiving any ballots the election officers must, in the presence of any persons assembled at each polling place, open and see that the ballot-boxes are empty, and exhibit, and close the ballot-boxes, and thereafter none of them must be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must any box be opened until after the polls are finally closed. Before the election officers receive any ballots they must cause to be proclaimed aloud at the place of such primary election that the polls are open, and when the polls are closed that fact must be proclaimed aloud at the place of such election; and after such last-named proclamation no ballots must be received. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open. The ballots to be used at every primary election shall be of the uniform width of six inches, and before being deposited in the ballot-box each ballot must be folded at right angles to its length, and must be so folded when deposited that no person can see any name printed or written thereon. As soon as the polls are finally closed, the top or opening of each ballot-box,

Proclamation by election officers.

Size of ballots and manner of folding.

in which ballots were deposited, must be securely covered and sealed by the inspector, and the covering and seal must not be permitted to be broken until the election board is ready to open the box to take out and count the ballots. Only one box shall be opened at a time, and after the covering and sealing of the ballot-boxes, the election officers must immediately proceed to count and canvass the votes given at such primary election. The canvass must be public, in the presence of the bystanders, and every political party shall be entitled to have at least two representatives present during the time the votes of its box are being counted. The canvass must be continued without adjournment until completed and the result thereof declared; but one box shall be opened and canvassed at the same time, and no other box shall be opened until such box being canvassed is completed and the result written out and certified to and declared. Except as herein otherwise provided, said votes shall be counted, canvassed, listed, strung, numbered, and tallied, in the same manner required by law for the counting, canvassing, listing, stringing, numbering, and tallying of votes at a general election for public officers, and the tally lists, ballots, and registers and supplements must be signed, certified, made up, sealed, delivered, preserved, and kept in the same manner as required by law at a general election for public officers. The tally lists must be by the County Clerk kept open to the public inspection for at least twenty days after any primary election, and as long thereafter as ordered by the board of election commissioners.

Sealing  
ballot-  
boxes.

Canvass of  
vote.

But one  
box to be  
canvassed  
at a time.

SEC. 19. When the counting of ballots is completed, the election officers shall forthwith forward their tally lists and ballots to the County Clerk or the secretary of the board of election commissioners, and such board shall meet thereafter, and within three days from the date of any primary election canvass the returns and declare the result of said primary election, and issue certificates of election to the delegates elected to the various party conventions. The ballots and tally lists shall be, by the precinct officers, placed in a sealed envelope, and on the outside of the envelope or envelopes so sealed the election officers of each precinct shall write and sign a certificate to the effect that it contains all the ballots cast in such precinct and the tally lists kept by the clerks, which envelope and envelopes, together with the contents, must be delivered to the custody of the County Clerk or the board of election commissioners.

Canvass-  
ing returns  
and issuing  
certificates  
of election.

Certificate  
by precinct  
officers.

SEC. 20. The governing body in the county, or city and county of each political party taking part in such primary election, may furnish to the board of election commissioners, prior to or at the time of the selection by the said board of the election officers, the name of an elector in each precinct whom such party is desirous to have appointed as general challenger for such party. It shall be the duty of such board of election commissioners, if they find that the person named is a resident of such precinct, and that his name appears on the last precinct register of said precinct, to appoint such person as such chal-

General  
challenger.

Special challenger. lenger, and cause a certificate to that effect, under its seal; to issue to such person, which the said clerk shall transmit to such person, in the same manner as provided in this Act for transmitting the certificates to the election officers. At any time after that, and not later than the third day before the election, any body of resident voters of any precinct, not less than the number of delegates of said party to be elected in such precinct, may file a petition with the board of election commissioners, setting forth that it is their intention to run as candidates at such primary election, and requesting the appointment of some person as a special challenger to act on their behalf, and naming such person. It shall thereupon be the duty of said board to ascertain if such person has the qualifications hereinbefore provided, and if so, to appoint such person, and cause a like certificate to be issued to him. Such challengers shall act without compensation when so appointed, and shall be sworn the same as an election officer, and shall have power to challenge the vote of any person by him believed to be voting unlawfully, upon any ground mentioned in the general election law, or upon any ground mentioned herein; and such challengers, during the progress of any such primary election, shall be vested with all the powers of a peace officer; he shall have free access to such polling place during the election and the counting of the ballots.

Powers of challengers.

Duty of County Clerks concerning registers.

Boards of Supervisors to print more registers.

Change of residence.

Illegal voting.

Qualification of voters.

Sec. 21. Immediately upon the passage of this Act it shall be the duty of the County Clerks of the several counties, or any city and county, to peremptorily withdraw from distribution a sufficient number of the copies of the ward, or precinct, or township registers and the supplements thereto, in their possession, for use at the primary elections, and to carefully preserve such copies for such use. The Secretary of State shall notify the several County Clerks of the duty imposed upon them in this respect. In printing registers for use in the general elections that shall occur after the passage of this Act, it shall be the duty of the Board of Supervisors of the several counties to print such additional copies as may be required for use in the primary elections. Such additional copies shall be securely preserved in sealed packages, marked in such manner as to show the purpose for which their contents are to be used. Electors removing from one residence to another in the same primary precinct shall not thereby lose the right to vote, but at the time of voting the change of residence may be interlined on the register.

Sec. 22. Any person who, at any primary election, shall vote illegally, or attempt so to vote, shall be subject to the same punishment provided by law in case of such voting or attempting to vote at a general election in this State. No person shall be allowed to vote whose name does not appear upon the great or precinct register of the county, or city and county, used at the last general election held before such primary election in the precinct in which he desires to vote, as a person entitled to vote in such precinct, or unless his name appears upon the supplements to such great or precinct

registers. If the election officers at such primary election shall knowingly permit any person to vote after being challenged, who shows, by his examination, that he is not entitled to vote, they shall be guilty of a felony, and upon conviction thereof be imprisoned in state prison not less than one nor more than five years. Penalty.

SEC. 23. Whenever an elector, since the last general election has removed from one precinct to another, within the county, or city and county, or to another county in the State, such elector so removing shall have the right to apply to, and receive from the County Clerk or Registrar of Voters a transfer of his registration. No certificate of transfer within the county, or city and county, shall be given the elector, but the County Clerk or Registrar of Voters shall cause the name to be canceled off the precinct register from which the elector has removed, and shall thereupon cause such name to be written in upon the precinct register to which he has so removed, and which precinct register is to be furnished by the County Clerk or Registrar to the precinct or other election boards. Any native-born citizen who, since the last general election, has become of legal age, or any person who has become naturalized since the last general election, shall be entitled to vote at any primary election; *providing*, he has made application to have his name placed upon the precinct register of the county in which he resides and of which he has been a legal resident for thirty days prior to any primary election. Transfer of registration.  
New voters.

SEC. 24. The primary elections for all political parties or organizations within the State shall be held at the same time, and at the same several respective places, under the provisions of this Act. Each political party or organization may determine for itself how many conventions it will hold for nominating its various candidates; *provided*, all candidates which are to be elected within a given territory must be nominated in the same convention. Delegates to a state convention may, at the option of a party, divide themselves into district conventions to nominate members of Congress, of the Board of Equalization, and Railroad Commissioners, respectively, or any party may, at its option, select separate delegates to compose any or all such district conventions. The delegates to a city, county, or city and county convention must nominate all the candidates which it desires to name for city, county, or city and county offices, in such city, county, or city and county, and any party may, at its option, nominate candidates for State Senator, or Assemblyman, or Supervisors, or Justices of the Peace, or Constable, or other local officers, who are to be voted for in such city, county, or city and county, or any part of such city, county, or city and county; or any party may, at its option, select separate delegates to compose any senatorial, assembly, or other local convention. Where any assembly or senatorial district is composed of more than one county, any political party may select separate delegates to a separate convention, to nominate such Assemblyman or Senator, or it may, at its option, in any county convention, select joint All primary elections shall be held at the same time.  
District conventions.  
Other conventions.

delegates to meet joint delegates from any other part of such senatorial or assembly district to compose a convention to nominate such Assemblyman or State Senator.

Circulation of tickets by individuals or combinations.

What ticket must contain.

SEC. 25. Any person or combination of persons desiring to circulate a ticket to be used at a primary election for delegates sought to be elected to any convention or conventions of any political party, shall print and furnish the same at their own expense, and shall cause to be printed or written upon such ballots to be used at such primary election, and upon paper of the color or combination of colors designated by the board of election commissioners as the distinctive color or combination of colors to be used by such political party as provided for in section fifteen hereof, the names of such persons as are suggested as nominees for delegates to any convention or conventions, and may upon such ticket cause to be printed or written different sets of nominees as delegates to different conventions; *provided*, that as to each separate set of delegates so printed or written upon such ballots, it shall be indicated and plainly designated the convention to which the delegates named in such set are sought to be elected, and each set of delegates must be separated distinctly from every other set of delegates named on such ballot, and such ballot or ballots shall also contain a statement of the number of delegates to be voted for for each convention for which candidates are named on such ticket. Such tickets must be so written or printed that there shall plainly appear thereon:

1. The name of the political party for the convention of which such candidates are suggested, selected, or named.
2. The convention or conventions for which delegates are suggested, selected, or named on said ticket.
3. The names which are suggested, selected, or named on said tickets as nominees for such delegates.
4. The number of delegates to be selected for each convention.

What ticket may be counted.

The names of each proposed delegate in each set shall be numbered consecutively, and opposite each set of delegates shall be expressed the number to be voted for in such set. If there is any delegate, written or printed, for whom any voter does not desire to vote, or if there be more names in any set than are to be selected to a convention, the voter may erase any name by drawing a line through such name with ink, and not otherwise. If any set of delegates contain more names, not erased, than is allowed by law, as delegates to the convention for which such set is named, such ticket cannot be counted as to such set, but must be counted as to any other set correctly voted for.

Incorporated cities, etc.

SEC. 26. Where under the law an election is to be held for the officers of any incorporated city, or for any part of the State, or for any political subdivision of the State less than the whole, then, as to such city or political subdivision of the State, provisions of this Act shall likewise apply, but the petition provided for in sections two and three of this Act may be made by the political parties or organizations of electors



within such cities or political subdivisions of the State, and within each county, or parts thereof, included in any political subdivision of the State.

SEC. 27. At a general primary election held for the purpose of electing delegates to a convention other than a state convention, there shall be elected not less than one delegate for each party convention for each two hundred votes, and each fraction of one hundred or more, cast in such precinct at the last general election; *provided*, that no convention shall be illegal for lack of the election of a delegate or delegates in any precinct. In selecting delegates for any convention, each political party or organization shall determine how many delegates it will choose from each city, county, or city and county in the State, and name the number in their petition, and the persons receiving the highest vote for each party shall be determined by canvassing the vote in the various precincts, as provided in section nineteen of this Act. The respective political parties or organizations in the different cities, counties, or cities and counties may apportion to wards, precincts, or assembly districts the number of delegates to be by them elected.

Apportionment of representation.

SEC. 28. At any time in any city, county, city and county, or township, or in any assembly district or political division within this State, or any precinct therein, at which a primary election is held for the election of delegates to a convention, any voter entitled to vote at such primary election may be, except as herein otherwise provided, a candidate for election as a delegate to any primary convention to represent the precinct or district in which he is a voter.

Eligibility of electors as delegates.

SEC. 29. As soon as the returns are received by the County Clerk, he shall canvass the same, and, when it requires the votes of more than one precinct to elect delegates, issue a certificate of election for the different conventions, to the different persons receiving a plurality of the party votes cast for such delegates as shown by the returns.

Duty of County Clerk.

SEC. 30. It shall be the duty of the Board of Supervisors of each county, and city and county, within the State of California to appropriate from the general funds of the county a sufficient sum of money to pay all necessary expenses of holding any such primary elections within such county; and it shall be the duty of the Auditor of each county, or city and county, within the State of California to draw upon such appropriated funds his several warrants for the payment of all expenses of such primary election as the same shall be certified to him by the County Clerk; such expenses shall consist only of the payment for the box in which to keep the names selected, for polling places, for printing, for advertising, for stationery, ballot-boxes, and postage stamps, and tally sheets.

Supervisors to appropriate funds for expenses of primary elections.

Legitimate expenses.

SEC. 31. If in any city, county, or city and county there shall not be by law any board of election commissioners, then all duties enjoined herein upon the board of election commissioners shall be enjoined upon and performed by the Common Council or Trustees of a city, or the Board of Supervisors of a

Duties enjoined upon other bodies in certain cases.

county; and all duties enjoined upon the clerk of a board of election commissioners, where there is no such board in any city or county, are enjoined upon, and shall be performed by, the clerk of a city, or by a County Clerk, as the case may be, as fully and with equal force and effect as if specifically set forth in this Act.

Offenses  
and penal-  
ties.

SEC. 32. Any act denounced as an offense by the general laws concerning elections of this State shall also be an offense in all primary elections, and in all matters relating thereto, antecedent or subsequent, and shall be punished in the same form and with like penalties as is prescribed for the punishment of similar offenses against the general election laws; and all the provisions and penalties provided by law shall apply in all cases connected with primary elections with equal force, and shall be as effective as if specifically set out in this Act. Any violations of the provisions of this Act shall, except as herein otherwise provided, be a misdemeanor and punishable as such.

Certificate  
by candi-  
dates.

SEC. 33. No candidate shall be placed upon any official ballot to be voted for at any election nominated by a convention of any political party or organization unless within ten days after the making of such nomination of such political party or organization he shall file an affidavit setting forth that such candidate has not directly or indirectly expended, nor has any person in his behalf, or with his knowledge expended, any sum of money for the purpose of securing such nomination, whether before, during, or after such primary election, on account of or in respect to the conduct and management of such primary election or convention at which he is a candidate, in excess of the maximum amount, that is to say: If the term of the office for which the person is a candidate be for one year or less, five per cent of the amount of one year's salary of the office. If the term be for more than one year and not more than two years, ten per cent of the amount of one year's salary of the office. If the term be for more than two years and not more than three years, fifteen per cent of the amount of one year's salary of the office. If the term be for more than three years and not more than four years, twenty per cent of the amount of one year's salary of the office. If the term be for more than four years, ten per cent of the amount of one year's salary of the office. If the office be one for which, in lieu of salary, there is allowed per diem for a statutory period, or for the number of days actually engaged in the performance of public duties, twenty-five per cent of the amount to accrue for the statutory period. If the office be one for which, in lieu of salary, a yearly sum is allowed the officer for all the expenses of his office, the expenditures of the candidate for such office shall not exceed the amount of ten per cent of the allowance for such office for one year, but in no event shall such expenditure exceed the sum of five hundred dollars. If the office be one for which no salary or compensation is allowed except fees, or a salary not exceeding nine hundred dollars per annum and fees, the expenditures of the candidate for such office shall not exceed the amount of

Limit of  
expendi-  
tures by  
candi-  
dates.

one hundred and fifty dollars. If the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expenditures of the candidate for such office shall not exceed one hundred dollars. If the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be as hereinabove provided.

SEC. 34. Such candidate shall file, as hereinafter provided, an itemized statement showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly in aid of his nomination, and all moneys contributed, loaned, or expended, directly or indirectly, by himself or through any other person, in aid of his nomination. That the term nomination as herein employed is defined to mean all efforts, directly or indirectly, on the part of the candidate to present his nomination before the electors to secure coöperation and support by voters in his behalf, and to further the interests and election of delegates at any primary election. Such statement shall give the names of various persons who paid, contributed, or expended such moneys in aid of the primary election in his behalf, or in aid of his nomination, and the names of the various persons to whom such moneys were contributed, loaned, or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the moneys was expended, contributed, or loaned. No sum of money shall be paid, and no expenses shall be incurred by or on behalf of the candidate at any primary election, or for any period of time within six months prior thereto, held within this State, at which he is a candidate, whether before, during, or after such primary election, on account of or in respect to the conduct or management of such primary election, except for the expenses of holding and conducting public meetings, for the discussion of public questions, and of printing and circulating primary election ballots, handbills, cards, and other papers previous to such primary election, and all advertising and all postage, expressage, telegraphing and telephoning, and of supervising the registration of voters, and watching the polling or counting of votes cast at such election, and all salaries of persons employed in transacting business at office or headquarters, and necessary expenses of maintaining the same, and for rent of rooms necessary for the transaction of the business of the candidate, and for necessary incidental expenses. There shall be attached to the statement herein provided for, an affidavit subscribed and sworn to by such candidate, which must be substantially in the following form:

Candidate shall file itemized statement of expenses.

"Nomination" defined.

Statement to show, what.

No money to be expended within six months, except.

Headquarters expenses.

STATE OF CALIFORNIA, }  
 County of \_\_\_\_\_, } ss.

Affidavit of  
 candidate.

I (name), having been a candidate for the office of \_\_\_\_\_ at the primary election held in the (naming city, county, city and county, or other division), of the State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, do solemnly swear that I have paid for my expenses at said primary election, and for all purposes of furthering my candidacy, directly or indirectly, within six months prior thereto, the sum of \$——, and no more, and that, except as aforesaid, I have not, nor to the best of my knowledge and belief has any person, club, society, or association on my behalf, directly or indirectly, made any payment, or given promises, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect to the conduct or management of the said election, and that I have not, directly or indirectly, promised any office or reward for any support of my candidacy prior or subsequent to said primary election. And I further solemnly swear that, except as aforesaid, no money, security, or equivalent for money, has, to my knowledge or belief, been paid, advanced, given, or deposited by any one, to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf, or in aid of said primary election, or of my nomination, or on account of or in respect to the conduct or management of the said primary election. And I further solemnly swear that I will not at any future time make, or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide, or be a party to the providing, of any money, security, or equivalent for money, for the purpose of defraying any such expenses.

Avoidance  
 of illegal  
 payment.

If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of

Statements  
 to be filed  
 with Sec-  
 retary of  
 State.

the State, or of any political division thereof greater than a county, and for members of the Senate and Assembly, Representative in Congress, or for members of the State Board of Equalization, State Board of Railroad Commissioners, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office

Others  
 with  
 County  
 Clerk.

of the clerk of the county where the primary election and convention is held, and within which the duties of the office for

Vouchers  
 to be filed.

which the candidate is nominated are to be exercised. Vouchers must be filed for all expenditures except in case of sums under five dollars.

Failure  
 to file  
 statement.

SEC. 35. Any candidate nominated for any public office, who shall refuse or neglect to file for at least ten days such statement, shall not be placed upon any ballot, but the Judge of the Superior Court of the county wherein such statement is filed, or is required to be filed, may, on the application of a candidate or a creditor thereof, allow any claim, not in excess of the

maximum amount allowed by this Act, to be presented and paid after the time limited by this Act; and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the candidate in the same office as the original statement of the candidate. If the candidate, upon such application, shall show to the satisfaction of said court that there is any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit, or to present, within the designated time, a claim, otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or for any reasonable cause of a like manner, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application as the court shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such court, by order, allow such statement and affidavit to be filed, or such error or false recital therein to be corrected, or such claims to be paid, as to the court seems just; and such order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order. If the application is made by a creditor, the court may, under like conditions, and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

Superior Judge may excuse candidate upon certain representations.

SEC. 36. No candidate of any political party or organization can have his name printed upon any ballot, to be voted for as a candidate for public office at any election in this State, unless he shall have been nominated by a convention composed of delegates chosen as provided by this Act; *provided, however*, that nothing in this Act shall prevent any candidate from being nominated as provided in section eleven hundred and eighty-eight of the Political Code; but such nominees can have no other designation on the ballot than the word "Independent"; *and provided further*, that no more than one candidate shall be nominated by one petition.

What names are placed on official ballots.

"Independent" candidates.

SEC. 37. No ticket or ballot must, on the day of a primary election, be given or delivered to or received by any person except the inspector, or a judge acting as inspector, within one hundred feet of the polling place. No person must, on the day of election, hold any ticket or unfold any ballot which he intends to use in voting, within one hundred feet of the polling place; exhibit to any other in any manner, by which the contents thereof may become known, any ticket or ballot which he intends to use in voting. No person must, on the day of election, within one hundred feet of the polling place, exhibit to another in any manner by which the contents thereof may become known, any ticket or ballot which he intends to use in voting. No person must, on the day of election, within one hundred feet of the polling place, solicit the support or vote of

One hundred feet limit at polls.

any other person, nor request another person to exhibit or disclose the contents of any ticket or ballot which such other persons intend to use in voting. If at any precinct or polling place there shall be a line of persons desiring to vote, no person shall remain in such line after he has voted, or after an opportunity has been had for him to so vote, nor shall such line be in any manner delayed or hindered.

No polling places in saloons.

SEC. 38. No polling place shall be held in any saloon where malt, vinous, or spirituous liquors are sold, or in any room leading from, or in any manner connected with such saloon.

Clerk to mail list of delegates.

SEC. 39. Immediately upon making out the credentials of any delegates elected under this law, the clerk shall mail to the secretary of each political party or organization which participated in the primary, a complete list of all delegates to whom credentials shall have been given, either by himself or by the various precinct officers as herein provided, and said clerk must, in a proper book to be kept by him, record the names of all delegates elected, with the vote received by each, specifying those to whom credentials have been given, stating when and where such credentials were issued, and whether issued by himself or by the various precinct officers as aforesaid, and if any delegate entitled to credentials shall not have received his credentials, or have lost the same, said clerk must, upon request, issue a new credential to such delegate, which must be stamped "duplicate."

"Duplicate."

Duty of Registrar of Voters.

SEC. 40. When, at any time after the passage of this Act, there is in any county, or city and county in this State, a duly qualified and acting Registrar of Voters, then, during the period that there shall be such a duly qualified and acting Registrar of Voters, all the duties herein imposed and acts required to be done by the County Clerk of such county, or city and county, are hereby imposed and required to be done by such Registrar of Voters, in the place and stead of such County Clerk.

Copies of Act for distribution.

SEC. 41. Within thirty days after the passage of this Act the Secretary of State shall cause twenty thousand copies of this Act to be printed in pamphlet form for free distribution.

SEC. 42. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 43. This Act shall take effect immediately.

## CHAPTER CVII.

*An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts.*

[Approved March 13, 1897.]

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

SECTION 1. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate street railroads, upon any public street or highway, to lay gas or water pipes, to erect poles or wires for transmitting electric power, or for lighting purposes, along or upon any public street or highway, or to exercise any other privilege whatever hereafter proposed to be granted by the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body of any city and county, city, or town within this State, except steam railroads, telegraph lines, and renewal of franchises for piers, chutes, and wharves, shall be granted upon the conditions in this Act provided, and not otherwise. The fact that an application for such franchise or privilege has been made to such Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body, together with a statement that it is proposed to grant the same, must first be advertised in one or more newspapers of the city and county, city, or town wherein the said franchise or privilege is to be exercised. Such advertisement must state that bids will be received for such franchise, and that it will be awarded to the highest bidder, and such advertisement must be published in such daily newspaper once a day for ten successive days, and if there be no daily newspaper published in such county, city and county, or city, then it shall be published in a weekly newspaper published in such county, city and county, or city, once a week for four weeks, and in either case the full advertisement must be completed not less than twenty nor more than thirty days before any further action of the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body. The advertisement must state the character of the franchise or privilege proposed to be granted, the term of its continuance, and if a street railroad, the route to be traversed; that sealed bids or tenders will be received up to a certain hour on a day named therein, and a further statement that no bids will be received of a single sum or amount stated, but that all bids must be for the payment in lawful money of the United States of a stated per cent of the gross annual receipts of the person, partnership, or corporation, or other authority to whom the franchise is awarded, arising from its use, operation, or possession. No percentage shall be paid for the first five years succeeding the date of the franchise, but there-

Certain conditions govern the letting of franchises by municipalities.

Application must be advertised.

What the advertisement must state.

Percentage of gross receipts.

Not less than three per cent per annum.

Renewals of franchises.

Bond of bidder.

When franchises may be renewed.

Surrender of franchise.

Duty of Attorney-General.

after such percentage shall be payable annually, and shall in no case be less than three per cent per annum upon such gross receipts, the franchise to be forfeited by failure to make the payments stated in the bids upon which the award was made; *provided*, the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body may provide as a condition of such franchise that the payments of said percentage shall begin at any time less than five years after the franchise is granted, if such franchise is a renewal, or substantially a renewal, of a franchise already in existence. After the expiration of the time stated in the advertisement up to which sealed bids or proposals will be received, the board or other governing or legislative body herein mentioned, must meet in open session and open and read the tenders or bids. The franchise or privileges must then be awarded to the highest bidder; *provided, however*, that nothing in this section shall affect a special privilege, granted for a shorter term than two years; *and provided further*, that the governing power may reject any or all bids; *and provided further*, that unless the bidder shall file with his bid a bond to such county, city and county, city, town, or district, with at least two good and sufficient sureties, to be approved by such board or other governing or legislative body in a penal amount to be by it prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill, and perform each and all of the terms, conditions, and obligations of such franchise, in case the same shall be awarded to him, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond, no award of any such franchise shall be made upon such bid, although the same may be the highest, but such franchise may be awarded to the next highest bidder who shall have complied with this proviso, or, in the discretion of such board, or other governing or legislative body, all bids may be set aside and rejected, and new bids advertised for.

SEC. 2. No franchise now existing, or which may hereafter be granted, shall be renewed by the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body above described, nor shall the extension or renewal of the same be advertised or offered for sale by such governing or legislative body, until within one year prior to the date of the expiration of the existing franchise, unless the existing franchise is first surrendered by the holders thereof; *provided*, no franchise can be surrendered without the consent of the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body of the city and county, city, or town, granting such franchise; *and provided further*, that on the application of the Mayor, or a majority of the Board of Supervisors, Board of Trustees, Common Council, or other governing or legislative body above described, it shall be the duty of the Attorney-General to sue for a forfeiture of any franchise



granted by such governing or legislative body, alleging in such suit non-compliance with the terms of the franchise.

SEC. 3. Any member of any Board of Supervisors, Common Council, or other governing or legislative body of any city and county, city, or town, of this State, who, by his vote, violates or attempts to violate the provisions of this Act, or any of them, shall be guilty of a misdemeanor and of malfeasance in office, and be deprived of his office by the decree of a court of competent jurisdiction, after trial and conviction. Penalty.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

## CHAPTER CVIII.

*An Act to protect all citizens in their civil and legal rights.*

[Approved March 13, 1897.]

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

SECTION 1. That all citizens within the jurisdiction of this State shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating-houses, barber-shops, bath-houses, theaters, skating-rinks, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens. Civil rights.

SEC. 2. Whoever shall violate any of the provisions of the foregoing section, by denying to any citizen, except for reasons applicable alike to every race or color, and regardless of race or color, the full accommodations, advantages, facilities, and privileges in said section enumerated, or by aiding or inciting such denial, or whoever shall make any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of any citizen to, or his treatment in, any inn, restaurant, hotel, eating-house, barber-shop, bath-house, theater, skating-rink, or other public place of amusement or accommodation, whether such place be licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, shall, for each and every such offense, shall be liable in damages in an amount not less than fifty dollars, which may be recovered in an action at law brought for that purpose. Penalty for violation of this Act.

SEC. 3. All laws or parts of laws in conflict with this law are hereby repealed.

## CHAPTER CIX.

*An Act making an appropriation for improving the capitol buildings and grounds.*

[Approved March 17, 1897.]

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

Appropriation for improving capitol buildings and grounds.

SECTION 1. The sum of six thousand dollars is hereby appropriated to pay for improving the capitol buildings and grounds, and to be allowed as follows: For painting agricultural pavilion, two thousand five hundred dollars; for putting in sewer connecting capitol building and grounds with Sacramento City sewer, two thousand five hundred dollars; for filling in capitol grounds at the agricultural pavilion, one thousand dollars.

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CX.

*An Act for the certification of land titles and the simplification of the transfer of real estate.*

[Approved March 17, 1897.]

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

## COUNTY RECORDERS EX OFFICIO REGISTRARS.

*Section 1. Recorders to be registrars.*

Recorders to be registrars.

SECTION 1. Recorders and ex officio Recorders in the several counties of this State shall be registrars of titles in their respective counties, and their deputies shall be deputy registrars. All laws relative to recorders and their deputies, including their compensation, clerk hire, and expenses, shall extend to registrars and their deputies, so far as the same may be applicable, except as in this Act otherwise provided. Registrars of titles shall be county officers within the meaning of the laws of this State.

*Section 2. Bonds of Recorders to cover their duties as registrars.*

Bonds of Recorders to cover their duties as registrars.

SEC. 2. The official bonds now required by law to be given by Recorders and ex officio Recorders before entering upon the discharge of their duties, shall also apply to and cover the

faithful discharge of their duties as registrars, whether such additional condition be specifically provided for in such bonds or not.

*Section 3. Deputies may act.*

SEC. 3. Deputies may perform any and all duties of the registrar, in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar. Deputies may act.

*Section 4. Registrar and deputy not to practice law.*

SEC. 4. Registrars and deputy registrars are prohibited from practicing law, or acting as attorneys or counselors at law, or having as a partner a lawyer or any one who acts as such, or from acting as searchers of title under this Act. Registrar and deputy not to practice law.

BRINGING LAND UNDER THE ACT.

*Section 5. Application by verified petition; character of applicant; county of application.*

SEC. 5. Land may be brought under the operation of this Act by the filing with the County Clerk of a verified petition to the Superior Court of the county within which such land is situated, by the owner of any estate or interest in such land, whether legal or equitable (other than an undivided share, or an easement). The Clerk shall immediately indorse on such application the exact time of its presentation, and enter the same in a book kept for that purpose and known as the Land Register Docket. Persons who collectively claim to hold the entire legal estate in fee simple may jointly file such petition. A corporation may apply by its authorized agent, an infant by his guardian; any other person under disability by his guardian or trustee. Land constituting a single parcel and lying partly in two or more counties may be included in one application, which may be made in either county in which the land lies, but the certificate issued therefor must be filed with the registrars of all the counties within which such land is situate. Two or more parcels of land may be included in one application if owned by the same person and in the same right. Application by verified petition.

*Section 6. Contents of application.*

SEC. 6. The petition shall set forth substantially:

- (a) The name, occupation, place of residence, and post-office address of the applicant, and if the application is by one acting in behalf of another, the name, place of residence, post-office address, and capacity of the person so acting, and the nature of the disability of the person for whom he is acting. Contents of application.
- (b) Whether the applicant (except in case of a corporation) is married or not, and, if married, the name and residence of the husband or wife.
- (c) The description of the land.
- (d) The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

Contents  
of applica-  
tion.

(e) Whether the land is occupied or unoccupied, and, if occupied, the name and post-office address of each occupant, and what estate or interest he has or claims in the land.

(f) Whether the land is subject to any easement, lien, or incumbrance, and, if any, the name and post-office address if known of each holder thereof, and the nature and amount of the same, and, if recorded, the book and page of the record.

(g) Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion, or expectancy, and, if any, the name and post-office address if known of every such person, and the nature of his estate or claim.

(h) The names and post-office addresses of all the owners of the adjoining lands, so far as he is able, upon diligent inquiry, to ascertain the same.

(i) If the applicant is a male, that he is of the full age of twenty-one years; if a female, that she is of the full age of eighteen years. If the application is made by a corporation, its name, when and where incorporated, its principal place of business, and the names and post-office addresses of its president and secretary. If the application is by a husband or wife, and the property is community property, the petition must so state, and both spouses must join therein. A plat or plan of survey of the land made by the county or a licensed surveyor must accompany the application, and if said land is a part of a city, town, or subdivision, the application must refer to the book and page of the records of the county where the map of said city, town, or subdivision is recorded, if at all.

Each application must be accompanied by an abstract of the title, verified by the searcher making the same, as required in proceedings in partition, or, if made by a corporation engaged in the business of making and certifying abstracts of title, then in lieu of the affidavit a certificate by such corporation, under its seal, shall be sufficient. When the title to the land in question has been previously determined by a final decree of a court of competent jurisdiction, such abstracts need not antedate such decree unless required by the court in which such application is filed. No person or corporation shall be authorized to make or furnish such abstracts of title until after entering into an undertaking with two or more sufficient sureties to the people of the State of California in a sum not less than ten thousand dollars, which may be increased from time to time by order of the court. Such bonds shall be recorded in the record of official bonds in the Recorder's office of the county and then filed in the County Clerk's office. Said bond shall be conditioned to pay all damages and costs which the State may sustain by reason of any error or insufficiency in said abstract. The sureties on such bond shall qualify as provided in section ten hundred and fifty-seven of the Code of Civil Procedure, and the sufficiency of the bond and of the sureties thereon shall be approved by a Judge of the Superior Court of the county where such bond is to be filed. The sureties upon such bond may become severally liable in portions of not less than five hundred

dollars each, making in the aggregate at least two sureties for the whole sum. Said bond shall be renewed as often, at least, as once in every period of three years.

*Section 7. Registration of fee simple must precede all else.*

SEC. 7. No mortgage, lien, charge, or lesser estate than a fee simple shall be registered unless the fee simple to the same land is first registered.

Registration of fee simple must precede all else.

*Section 8. Registration not to be refused because of incumbrance.*

SEC. 8. It shall not be an objection to bringing land under this Act, that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien, or charge; but every such lesser estate, mortgage, lien, or charge shall be noted upon the certificate of title and the duplicate thereof, and the title or interest certified shall be subject only to such estates, mortgages, liens, and charges as are so noted, except as herein provided.

Registration not to be refused because of incumbrance.

*Section 9. No registration based on tax title until after five years adverse possession.*

SEC. 9. No title derived through sale for any tax or assessment shall be entitled to be first registered, unless it shall appear to the satisfaction of the court, upon the hearing of the application, that the applicant, or those through whom he claims title, have been in the open, actual, continuous, uninterrupted, undisputed, exclusive, and adverse possession of the land under such title at least five years, and have paid all taxes and assessments legally levied thereon for five successive years.

No registration based on tax title until after five years adverse possession.

*Section 10. Amendment to application verified.*

SEC. 10. The application may be amended only by petition verified as in the case of the original. Such amendment may be ordered by the court on its own motion, or upon the motion of any person interested in the proceeding.

Amendment to application verified.

*Section 11. Filing of application to be notice to subsequent purchasers.*

SEC. 11. The filing of the application in the office of the County Clerk shall be sufficient notice of the same to all subsequent purchasers or incumbrancers without the filing of a *lis pendens* in the office of the Recorder.

Filing of application to be notice to subsequent purchasers

*Section 12. Court to dismiss application, or set it for hearing.*

SEC. 12. The court shall, in its discretion, examine the abstract itself, or refer the same, as provided in section eighteen of this Act. If it shall appear to the court, from an examination of the abstract, or from the report of the referee, that the title to the land described in the application is substantially as alleged by the applicant, the application shall be set for hearing, otherwise the court may order the application dismissed.

Court to dismiss application, or set it for hearing.

*Section 13. Notice of hearing to be given; any one may appear and object; costs.*

Notice of hearing to be given.

SEC. 13. When the time and place for hearing the application is fixed by the court, notice thereof shall be given to all parties interested, as shown by the petition and the abstract or referee's report, and to the husband or wife of the applicant, if married, and the owners of adjoining lands, in the same manner as the service of a summons in a civil action, and by publication for at least four weeks, in some newspaper of general circulation, to be designated by the court; *provided*, that no copy of abstract or map need be served with the petition. Any person interested may appear and object to the granting of the application, and if such objection is sustained, the costs of the same shall be paid by the applicant; if not, by the person so objecting. The time for appearance after service shall be the same as in the case of a civil action.

Any one may appear and object; costs.

*Section 14. Upon the hearing the court to take evidence on the allegations of petition; and may adjourn hearing.*

Upon the hearing the court to take evidence on the allegations of petition; and may adjourn hearing.

SEC. 14. Upon the day set for the hearing of the application, or at such time as the same may be continued to, the court shall cause examination to be made into the applicant's title to the land in question, and shall hear testimony as to the allegations of the petition, or of any objections thereto; and if any defects are found in the application, or in the applicant's title to the land, or if any of the allegations of the petition are found to be untrue, or any objections to said petition are sustained, the court may dismiss such application, or may give the applicant such further time as the court may deem reasonable, before finally passing upon his application.

*Section 15. Decree setting forth title to be made by court on granting application.*

Decree setting forth title.

SEC. 15. If it shall be made to appear, to the satisfaction of the court, that the notice required by section thirteen has been duly given and served; that the facts stated in the application are true, and that the applicant is the owner of the land, or interested therein, as set forth in the petition, the court shall duly make, give and enter a decree to that effect, which said decree shall contain an accurate description of the property in question, with a diagram thereof, and also shall set forth all liens and incumbrances on said land, with the name of the holder thereof, and the nature, amount, and order of the same, and, if recorded, the book and page of the record. Any party aggrieved by such decree may appeal therefrom in the manner now or hereafter provided by law for appeals in civil actions.

*Section 16. Registrar to issue certificate of title upon filing of certified copy of decree.*

Registrar to issue certificate of title upon filing of certified copy of decree.

SEC. 16. A certified copy of such decree shall be filed in the office of the registrar, who shall thereupon issue a certificate of title to the person entitled thereto as shown by said decree, and shall proceed to bring said land under the operation of this

Act, as herein provided. Said certificate shall contain the description of the property set forth in the decree, and shall also show the nature, amount, and order of the liens thereon.

*Section 17. Decree to be in rem, and conclusive.*

SEC. 17. The decree of the court ordering registration shall be in the nature of a decree in rem, and shall be final and conclusive as against the rights of every and all persons, known and unknown, to assert any estate, interest, claim, lien, or demand of any nature or kind whatever, against the land so ordered registered, except as provided in this Act.

Decree to be in rem, and conclusive.

*Section 18. Court to appoint referee; compensation of searcher and of referee.*

SEC. 18. Upon the filing of the petition the court may appoint a referee to examine and report upon the abstract accompanying the same. Such referee shall be an attorney in good standing, skilled in the examination of titles, of not less than three years' practice at the bar of the court so appointing him. The compensation of the searcher and of the referee shall be fixed by the court, or agreed upon between themselves and the applicant, and shall be paid by the applicant as a part of the costs of the proceeding.

Court to appoint referee.

Compensation of searcher and of referee.

*Section 19. Written opinion of referee to be filed before decree made.*

SEC. 19. Whenever such abstract shall be made and such referee appointed, no decree shall be entered by the court until the written opinion of such referee shall be filed in the proceeding, showing the nature of the applicant's title to the land; and if the same is subject to any lesser estate, mortgage, lien, or charge, particularly specifying the same and the priority thereof. The estate of homestead shall be included in the term "lesser estate."

Written opinion of referee to be filed before decree made.

*Section 20. Applicant may withdraw application upon payment of fees at any time prior to issuance of certificate of title.*

SEC. 20. Any applicant may, upon payment of all fees due, withdraw his application for registration at any time prior to the issuing of a certificate of title; and upon the written request of such applicant and the order of the court, the clerk shall return to the applicant all abstracts of title, deeds, and other instruments, except depositions or affidavits deposited by him for the purpose of supporting his application.

Applicant may withdraw application.

*Section 21. On transfer of interest or death of applicant, proceedings may be continued.*

SEC. 21. In case of the death or any disability of the applicant, the court, on motion, may allow the proceeding to be continued by or against his representative or successor in interest. In case of any other transfer of interest the proceeding may be continued in the name of the original applicant, or the

On transfer of interest or death of applicant.

court may allow the person to whom the transfer is made to be substituted in the proceeding.

*Section 22. Registrar to keep record of particulars of issuance.*

Registrar  
to keep  
record of  
particulars  
of issuance.

SEC. 22. The registrar shall immediately, upon the registration of any land, make an entry in a book kept by him for that purpose, showing the name of the person to whom the certificate was issued, its number, the day, hour, and minute of its issuance, the name of the person to whom the duplicate certificate was delivered, and the book and page where the original certificate is entered or recorded.

*Section 23. Certificate of title to be in duplicate; its contents; original to be retained by registrar.*

Certificate  
to be in  
duplicate.

Contents.

SEC. 23. Every first and subsequent certificate of title shall be in duplicate and numbered consecutively and bear date the year, month, day, hour, and minute of its issue, and be under the hand and official seal of the registrar, one copy of which shall be retained by the registrar and be known as the original, and the other shall be delivered to the owner, or person acting for him, and be known as the duplicate. It shall state whether the owner, except in the case of a corporation, executor, administrator, assignee, or other trustee, is married or not married, and the name of the husband or wife. If the owner is a minor, it shall state his age; if under any other disability, the nature of the disability. If issued to an executor or administrator, the certificate shall show the name of the deceased testator or intestate; if to an assignee in insolvency, the name of the insolvent. The registrar shall note at the end of the certificate, original and duplicate, in such manner as to show and preserve their priorities, the particulars of all estates, mortgages, liens, incumbrances, and charges to which the owner's title is subject.

*Section 24. Form of certificate.*

Form of  
certificate.

SEC. 24. No particular form of certificate of title is required, but the same may be, subject to such changes as the case may require, substantially in the following form:

STATE OF CALIFORNIA, }  
County of ———. } ss.

A. B. (state occupation and residence, giving street and number), State of California (if an administrator, give the name of the deceased; if a minor, give his age; if under other disability, state its nature), married to (name of husband or wife, or if not married so state), is the owner of an estate in fee simple (or as the case may be) in the following land (insert description contained in the decree). Subject, however, to the estates, easements, liens, incumbrances, and charges hereunder noted. (In case of trust, condition, or limitation, say "in trust," or "upon condition," or "with limitation," as the case may be.)



1. Mortgage to C. D. for the sum of \$ \_\_\_\_\_, dated \_\_\_\_\_, payable \_\_\_\_\_ after date, with interest at \_\_\_\_\_ per cent per \_\_\_\_\_, interest payable \_\_\_\_\_.

2. Mechanic's lien in favor of X. Y. for \$ \_\_\_\_\_, filed \_\_\_\_\_.

3. Assessment for improvement of \_\_\_\_\_ Street. Amount \$ \_\_\_\_\_, due \_\_\_\_\_.

(Any other incumbrances or charges.)

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_,  
 Registrar of Titles in and for the County of \_\_\_\_\_, State of California.

[SEAL.]

*Section 25. Tenants in common may receive each a certificate.*

SEC. 25. In all cases where two or more persons are entitled as tenants in common to an estate in registered land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

Tenants in common.

*Section 26. Registered owner may consolidate several or divide up one certificate.*

SEC. 26. Upon the application of any registered owner of land held under separate certificates of title, or under one certificate, and delivering up of such certificate or certificates of title, the registrar may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land, in accordance with such application, and as far as the same may be done consistently with any regulations at the time being in force, respecting the certificates of land that may be included in one certificate of title; and upon issuing any such certificate of title said registrar shall indorse on the last previous certificate of title of such land so delivered up a memorial, setting forth the occasion of such cancellation and referring to the volume and folium of the new certificate or certificates of title so issued.

Registered owner may consolidate several or divide up one certificate.

*Section 27. Certificate may be issued by order of court in lieu of lost duplicate; proceedings therefor.*

SEC. 27. In the event of a duplicate certificate of title being lost, mislaid, or destroyed, the owner may apply to the court for an order upon the registrar to issue a certified copy of the original certificate of registration. Upon the hearing of such application, the court may order such notice to be given to such persons, and for such time as it may deem proper. If the court is satisfied that the applicant is the person named in the original certificate on file in the registrar's office, and that the duplicate certificate has been lost, mislaid, or destroyed, the court shall make an order directing the registrar to issue a certified copy of the original certificate to the applicant. A certified copy of such order shall be filed in the registrar's office, who shall thereupon issue to such applicant a certified

Proceedings to replace a lost certificate.

copy of the original certificate, with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause, and date of such issue, and shall also mark upon such certified copy: "Owner's certified copy, issued in place of lost (mis-laid, or destroyed, as the case may be) certificate," and such certified copy shall stand in the place of, and have like effect as, the missing duplicate certificate. In case of a lost certificate, no transfer of the land shall be made until such certified copy is issued by the registrar. A certified copy of the certificate of title may be issued by the registrar for use as evidence, upon the receipt by him of an order therefor made by the court; *provided*, that such certified copy shall have written or stamped across the face thereof the words "for use as evidence only." The issuance of such certified copy and the purpose thereof shall also be noted upon the original certificate by the registrar.

*Section 28. Change of name or of description to be noted on order of court.*

Change of name or of description. SEC. 28. If an owner's name or description is incorrectly registered, or becomes changed (*e. g.* by marriage, adoption, divorce, etc.), the court, upon the filing of an application and proof of facts in the manner set forth in section twenty-seven of this Act, and the production by the owner of the duplicate certificate, shall order the registrar to issue a new certificate, with such changes as the case may require.

THE REGISTER OF TITLES.

*Section 29. Original certificate to be entered in register; memorials to be on latest certificate.*

Original certificate to be entered in register. SEC. 29. The registrar shall keep a book, to be known as the "Register of Titles," wherein he shall enter all original certificates of title, in the order of their numbers, with appropriate blanks for the entry of memorials and notations allowed by this Act. Each certificate, with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register under the terms of this Act shall be entered upon the folium constituted by the last certificate of title of the land to which they relate. Each certificate of title shall be numbered the same as the folium of the register on which the registration of the title of which it is a duplicate, is entered.

Memorials to be on latest certificate.

*Section 30. Receipt to be given for duplicate certificate on its issuance.*

Receipt for duplicate certificate. SEC. 30. Before the delivery of any duplicate certificate of title, a receipt for it shall be required, to be signed by the owner. Where such receipt is signed in the presence of the registrar or a deputy, it shall be witnessed by such officer. If signed elsewhere, it shall be acknowledged before any officer authorized to take acknowledgments of deeds.

*Section 31. First registration deemed complete on notation of original entries upon certificates.*

SEC. 31. In every case of first registration of land or an estate or interest therein, the same shall be deemed to be registered under this Act, when the registrar shall have marked upon the certificate of title, in duplicate, the volume and folium of the register in which the original may be found.

When first registration is deemed complete.

*Section 32. Transfer complete on notation upon new certificate; other dealings complete on notation; registration to relate back to filing with registrar.*

SEC. 32. Every transfer of registered land shall be deemed to be registered under this Act, when the new certificate to the transferee shall have been marked, as in the case of the first registration; and all other dealings shall be considered as registered when the memorial or notation shall have been entered in the register upon the folium constituted by the existing certificate of title of the land. But, for the protection of the transferee or person claiming through any transfer or dealing, the registration shall relate back to the time of filing in the registrar's office the deed, instrument, or notice, pursuant to which the transfer memorial or notation is made.

When transfer is deemed complete. Other dealings.

*Section 33. Party aggrieved may bring action against registrar and others.*

SEC. 33. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any matter pertaining to the first registration of land, or any subsequent transfer, or charge upon the same, or failing, or neglecting, or refusing to file any instrument, or to enter or cancel any memorial or notation, or to do any other thing required of him by this Act, may file a complaint in the Superior Court making the registrar and other persons, whose interests may be affected, parties defendant, and the court may proceed therein as in other cases, and make such order or decree as shall be according to equity and the purport of this Act. A certified copy of such order or decree shall be presented to the registrar, who shall file the same and make such entry thereof as by this Act required.

Party aggrieved may bring action.

EFFECT OF REGISTRATION.

*Section 34. In absence of fraud, title to be subject only to noted incumbrances; exceptions.*

SEC. 34. The registered owner of any estate or interest in land brought under this Act shall, except in case of fraud to which he is a party, or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges, and interests as may be noted in the last certificate of title in the registrar's office, and free from all others, except:

In absence of fraud, title subject only to noted incumbrances.

1. Any subsisting lease or agreement for a lease for a period not exceeding one year, where there is actual occupation of the

Exceptions

land under lease. The term "lease" shall include a verbal letting.

2. All public highways embraced in the description of the lands included in the certificate.

3. Any subsisting right of way or other easement, however created, upon, over, or in respect of the land.

4. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

5. Such right of action or claim as is allowed by this Act.

6. Liens, claims, or rights arising under the laws of the United States, which the statutes of California cannot require to appear of record upon the register.

*Section 35. No adverse possession after registration possible.*

Adverse  
possession.

SEC. 35. After land has been registered no title thereto adverse or in derogation to the title of the registered owner shall be acquired by any length of possession.

*Section 36. Presumption of good faith in purchaser of registered land.*

Presump-  
tion of  
good faith  
in pur-  
chaser.

SEC. 36. Except in case of fraud, and except as herein otherwise provided, no person taking a transfer of registered land, or any estate or interest therein, or of any charge upon the same, from the registered owner, shall be held to inquire into the circumstances under which, or the consideration for which, such owner or any previous registered owner was registered, or be affected with notice, actual or constructive, of any unregistered trust, lien, claim, demand, or interest; and the knowledge that any unregistered trust, lien, claim, demand, or interest is in existence shall not of itself be imputed as fraud.

*Section 37. Persons defrauded shall not lose rights.*

Persons  
defrauded  
shall not  
lose rights.

SEC. 37. In case of fraud, any person defrauded shall have all rights and remedies that he would have had if the land were not under the provisions of this Act; *provided*, that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

*Section 38. Registration of forged instrument void, but title of bona fide owner not affected.*

Registra-  
tion of  
forged in-  
strument  
void.

SEC. 38. If a deed or other instrument is registered, which is forged, or executed by a person under legal disability, such registration shall be void; *provided*, that the title of a registered owner, who has taken bona fide for a valuable consideration, shall not be affected by reason of his claiming title through some one, the registration of whose right or interest was void, as provided in this section.

*Section 39. No unregistered interest shall prevail against bona fide registered owner.*

Unregis-  
tered inter-  
est shall  
not prevail.

SEC. 39. No unregistered estate, interest, power, right, claim, contract, or trust shall prevail against the title of a registered

owner taking bona fide for valuable consideration, or of any person bona fide claiming through or under him.

*Section 40. In absence of fraud, certificate of title is conclusive evidence in suit for specific performance of contract to purchase.*

SEC. 40. In any suit for specific performance brought by a registered owner of any land under the provisions of this Act against a person who may have contracted to purchase such land, not having notice of any fraud or other circumstances which, according to the provisions of this Act, would affect the right of the vendor, the certificate of title of such registered owner shall be held in every court to be conclusive evidence that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described.

In absence of fraud, certificate of title is conclusive evidence.

*Section 41. In ejectment or partition suits, certificate is conclusive evidence.*

SEC. 41. In any action or proceeding brought for ejectment, partition, or possession of land, the certificate of title of a registered owner shall be held in every court to be conclusive evidence, except as herein otherwise provided, that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described, and that such registered owner is entitled to the possession of said land.

In ejectment or partition suits, certificate is conclusive evidence.

*Section 42. The register to be received as evidence.*

SEC. 42. The register of any land, and duly certified copies thereof, shall, except as herein otherwise provided, be received in law and in equity as evidence of the facts therein stated, and as conclusive evidence that the person named therein as owner is entitled to the land for the estate or interests therein specified.

The register as evidence.

*Section 43. Memorial to be noted until cancellation.*

SEC. 43. Whenever a memorial has been entered, as permitted by this Act, the registrar shall carry the same forward upon all certificates of title until the same is canceled in some manner authorized by this Act.

Memorial to be noted until cancellation.

*Section 44. Dealings subsequent to first registration subject to Act.*

SEC. 44. All dealings with land, or any estate or interest therein, after the same has been brought under this Act, and all liens, incumbrances, and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this Act, and to such amendments and alterations as may hereafter be made. The bringing of land under this Act shall imply an agreement which shall run with the land, that the same shall be subject to the terms and provisions of the Act and of amendments and alterations thereof.

Dealings subsequent to first registration.

*Section 45. Five years' limitation to bringing of action affecting registered land; incompetents to appear.*

Limitation of time to bringing of action.

Incompetents to appear.

SEC. 45. No person shall commence any action at law or in equity for the recovery of land, or assert any interest, right in, or lien or demand upon the same, or make entry thereon adversely to the title or interest certified in the first certificate bringing the land under the operation of this Act, unless within five years after the first registration. It shall not be an exception to this rule that the person entitled to bring the action or make the entry is an infant, lunatic, or is under any disability, but action may be brought by such person by his next friend or guardian. It shall be the duty of the guardian, if there is any, to bring action in the name of his ward whenever it is necessary to preserve or enforce the ward's rights in registered land; *provided, however,* before such action shall proceed, it must be made to appear to the court that the person bringing such action, or those under whom he claims, had no actual notice of the proceedings to register such lands in time to appear and file his objections or assert his claim.

*Section 46. Action not to affect bona fide purchasers.*

Action not to affect bona fide purchasers

SEC. 46. The action provided for in the last preceding section shall in no way affect or disturb the rights of any person in said land, acquired subsequent to the registration thereof, bona fide and without knowledge, and for a valuable consideration.

*Section 47. Claim to arise after expiration of five years preserved by noting memorial; proceedings subsequent.*

How future claim may be preserved.

SEC. 47. Any person having any interest, right, title, lien, or demand, whether vested, contingent, or inchoate, in, to, or upon registered land, which existed at the time the land was first registered, and upon or for which no cause of action shall have accrued at the date of the registration of the land, may, prior to the expiration of said five years after such registration, file in the registrar's office a notice, under oath, setting forth his interest, right, title, lien, or demand, and how and under whom derived, and the character and nature thereof; and if such claim is so filed, an action may be brought to assert or recover or enforce the same at any time within one year after the right of action shall have accrued thereon, or at any time within the period of five years after said first registration, and not afterwards. It shall be the duty of a life tenant or trustee to file such claim on behalf of any remainderman or reversioner, whether the remainder or reversion be at the time vested or contingent, and of a guardian to file such claim on behalf of his ward.

TRANSFERS.

*Section 48. Title passes on filing of deed and of duplicate.*

When title passes.

SEC. 48. A registered owner of land desiring to transfer his whole estate or interest therein, or some distinct part or parcel thereof, or some undivided interest therein, or to grant

out of his estate an estate for life or for a term of not less than ten years, may execute to the intended transferee a deed or instrument of conveyance in any form authorized by law for that purpose. And upon filing such deed or other instrument in the registrar's office, and surrendering to the registrar the duplicate certificate of title, the transfer shall be complete and the title so transferred shall vest in the transferee; thereupon, the registrar shall issue in duplicate and register, as hereinbefore provided, a new certificate, certifying the title to the estate or interest in the land desired to be conveyed to be in the transferee, and shall note upon the original and duplicate certificate the date of the transfer, the name of the transferee, and the volume and folium in which the new certificate is registered, and shall stamp across the original and surrendered duplicate certificate the word "canceled," in whole or part, as the case may be.

*Section 49. New certificate to issue for remainder, if but a parcel be transferred.*

SEC. 49. When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferer, a new certificate shall be issued to him for the part, estate, or interest remaining in him.

Certificate for remaining parcel.

*Section 50. Time of filing to be noted on instrument.*

SEC. 50. The registrar shall mark as filed every deed, mortgage, lease, and other instrument which may be filed in his office, in the order of its receipt, and shall note thereon at the date of filing the minute, hour, day, and year it is received. When the date of filing any instrument is required to be entered upon the register, it shall be the same as that indorsed upon such instrument.

Time of filing to be noted.

*Section 51. Papers filed to be retained.*

SEC. 51. All instruments, notices, and papers required or permitted by this Act to be filed in the office of the registrar, shall be retained and kept in such office, and shall not be taken therefrom except by a subpoena *duces tecum* issued to and served upon the registrar by a court of record. But the registrar, on demand, the proper fee being tendered therefor, shall deliver to any person a copy or copies of such an instrument, with all memoranda, memorials, and indorsements thereon, duly certified under his hand and seal of office. The registrar shall, however, upon all such copies, indorse thereon in writing across the face thereof, in red ink, "copy, no rights conveyed hereby."

Papers filed to be retained.

*Section 52. Such copies to be received in evidence.*

SEC. 52. Every copy of original instruments so certified as provided for in the last preceding section, shall be received in all cases in place of the original, and as evidence have the same force and effect as the original instrument.

Copies to be received in evidence.

*Section 53. Existing forms of deeds may be used.*

Existing forms of deeds may be used.

SEC. 53. Like forms of deeds, mortgages, leases, and other instruments as are now or may hereafter be sufficient in law for the purpose intended, may be used in dealing with registered land and any estate or interest therein. Such instrument shall give the number of the certificate of title of the land described therein. But an indorsement, duly acknowledged, upon the duplicate certificate of title, substantially in the following form, viz.: "I, \_\_\_\_\_, grant to \_\_\_\_\_ the real property described in this certificate. Witness \_\_\_\_\_ hand \_\_\_\_\_ and seal \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_," shall be sufficient to transfer the property in said certificate described.

*Section 54. Name and address to be indorsed on instrument, and notices to be sent there.*

Indorsement on instrument.

SEC. 54. On all instruments presented to the registrar for registration shall be indorsed the name and address of the person so presenting the same, and all notices relating to the land therein described may be served on such person at such address. The address may be changed from time to time by such person filing with the registrar a written notice of such change.

*Section 55. Instrument affecting registered land to be but a contract until registered.*

Instrument of no effect until registered.

SEC. 55. A deed, mortgage, lease, or other instrument purporting to convey, transfer, mortgage, lease, charge, or otherwise deal with registered land, or any estate or interest therein, or charge upon the same, other than a will or a lease not exceeding one year where the land is in the actual possession of the lessee or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the registrar to register the transfer, mortgage, lease, charge, or other dealing upon compliance with the terms of this Act. On the filing of such instrument, the land, estate, interest, or charge shall become transferred, mortgaged, leased, charged, or dealt with according to the purport and terms of the deed, mortgage, lease, or other instrument. The registrar shall immediately, upon the filing of such instrument, stamp or write upon the original and duplicate certificates of title the word "transferred," "mortgaged," "leased," or otherwise, as the case may require, with the date of filing such instrument.

*Section 56. Certificate before re-transfer, etc., must show freedom from tax sale and homestead.*

Tax sale and homestead.

SEC. 56. No transfer of title to land, or any estate or interest therein, or mortgage, shall be registered, if the last original certificate shows that the land has been sold for any tax or assessment upon which a deed has been given, and that the title is outstanding, or upon which a deed may thereafter be given, or if said certificate shows that the estate of homestead, if any, has not been released or extinguished,



unless the transfer or mortgage is intended to be subject to such tax sale or homestead estate, in which case it shall be so stated in the certificate of title.

*Section 57. Certificate to state marriage or representative capacity, if any.*

SEC. 57. Every certificate of title to land shall state whether the transferee (except when the latter is a corporation, executor, administrator, or assignee) is married or not married, and if married, the name of the husband or wife. If the transferee be an executor or administrator, the certificate shall give the name of the deceased testator or intestate, and if the transferee be an assignee, the name of the insolvent. The transferee shall furnish the registrar the necessary information before he shall be entitled to have the land transferred to him on the register.

Certificate to state marriage, etc.

MORTGAGES, LEASES, AND OTHER CHARGES.

*Section 58. Incumbrance on registered land must be registered.*

SEC. 58. Every mortgage, lease, contract to sell, or other instrument intended to create a lien, incumbrance, or charge upon registered land, or any interest therein, shall be deemed to be a charge thereon, and must be registered as hereinafter provided.

Incumbrance must be registered.

*Section 59. Incumbrance created on filing of charge.*

SEC. 59. On the filing of the instrument intended to create the charge in the registrar's office, and the production of the duplicate certificate of title, and it appearing from the original certificate of title that the person intending to create the charge has the title and right to create such charge, and the person in whose favor the same is sought to be created being entitled by the terms of this Act to have the same registered, the registrar shall enter upon the proper folium of the register, and also upon the duplicate certificate, a memorial of the purport thereof, and the date of filing the instrument, with a reference thereto, by its file number, which memorial shall be signed by the registrar. The registrar shall also note upon the instrument on file the volume and folium of the register where the memorial is entered.

Incumbrance created on filing of charge.

*Section 60. Trust deed to be treated as a mortgage.*

SEC. 60. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and be subject to the same rules as a mortgage.

Trust deed to be treated as a mortgage.

*Section 61. If instrument charging land be in duplicate or more parts, but one need be filed.*

SEC. 61. When any mortgage, lease, or other instrument creating or dealing with a charge upon registered land, or any estate or interest therein, is in duplicate, triplicate, or more parts, only one of the parts need be filed and kept in the regis-

Mortgage, etc., not to be filed in duplicate.

trar's office; but the registrar shall note upon the register whether the same is in duplicate, triplicate, or as the case may be, and shall also mark upon the others "mortgagee's duplicate," "lessor's duplicate," "lessee's duplicate," or as the case may be, and note upon the same the date of filing and the volume and folium of the register where the memorial is entered, and deliver them to the parties entitled thereto.

*Section 62. Certified copies identified as such may be issued.*

Certified  
copies may  
be issued.

SEC. 62. When an instrument is not executed in a sufficient number of parts for the convenience of the parties, the registrar may make and deliver to each of the parties entitled thereto certified copies of the instrument filed in his office, with the indorsements thereon, marking the same "mortgagee's certified copy," "lessor's certified copy," or as the case may be, and shall note upon the register the fact of issuing such copies. Such certified copies shall have the same force and effect and be treated as duplicates.

*Section 63. Assignment of charge by filing and noting of same by memorial.*

Assign-  
ment of  
charge by  
filing and  
noting of  
same by  
memorial.

SEC. 63. The holder of any charge upon registered land, desiring to transfer the same or any part thereof, may execute an assignment of the whole or any part thereof. The assignment of a part only must state whether the part transferred is to be given priority, to be deferred, or to rank equally, with the remaining part. Upon such assignment being filed in the office of the registrar, and the production of the duplicate or certified copy of the instrument creating the charge held by the assignor, the registrar shall enter in the register opposite the charge, a memorial of such transfer, and how it ranks, with a reference to the assignment by its file number; he shall also note upon the instrument on file in his office intended to be transferred, and upon the duplicate or certified copy thereof produced, the volume and folium where the memorial is entered, with the date of the entry. The transferee shall be entitled to have a certified copy of the instrument of transfer, with the indorsement thereon, and in case of the transfer of the entire charge, the duplicate or certified copy of the instrument creating the charge.

*Section 64. Release of part or whole of charge to be noted as an assignment.*

Release of  
part or  
whole of  
charge to  
be noted as  
an assign-  
ment.

SEC. 64. A release, discharge, or surrender of a charge, or any part thereof, or of any part of the land charged, may be effected in the same way as above provided in the case of a transfer. In case only a part of the charge or of the land is intended to be released, discharged, or surrendered, the entry shall be made accordingly; but when the whole is released, discharged, or surrendered at the same or several times, the registrar shall stamp across the instrument on file, and the memorial thereof, and the duplicate or certified copy produced, the word "canceled."

*Section 65. Charges to be enforced as at present, except as herein provided and except that notice of lis pendens must be filed with registrar.*

SEC. 65. All charges upon registered land, or any estate or interest in the same, may be enforced as now or hereafter allowed by law, and all laws with reference to the foreclosure and release or satisfaction of mortgages shall apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise provided, and except that until notice of the pendency of any suit to enforce or foreclose such charge is filed in the registrar's office, and a memorial thereof entered on the register, the pendency of such suit shall not be notice to the registrar, or any person dealing with the land or any charge thereon.

Present charges to be enforced.  
Exceptions.

## ATTORNEYS IN FACT.

*Section 66. Attorney in fact to deal with registered land must file his power.*

SEC. 66. Before any person can convey, charge, or otherwise deal with registered land, or any estate or interest therein, as attorney in fact for another, the deed or instrument empowering him so to act shall be filed with the registrar, and a memorial thereof entered upon the original and duplicate certificates. If the attorney shall so desire, the registrar shall deliver to him a certified copy of the power of attorney, with the indorsements thereon. Revocation of a power may be registered in like manner.

Attorney in fact must file power.

## TRUSTS, CONDITIONS, AND LIMITATIONS.

*Section 67. Trusts, etc., to be noted without any of the particulars.*

SEC. 67. Whenever a deed or other instrument is filed in the registrar's office for the purpose of effecting a transfer of, or charge upon, registered lands, or any estate or interest therein, and it appears from such instrument that the transfer or charge is to be in trust, or upon any condition or limitation therein expressed, the registrar shall note in the certificate, and the duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," as the case may be, but no entry shall be made of the particulars of any such trust, conditions, or limitations.

Trusts to be noted without particulars

*Section 68. Every trustee with express authority shall have power of sale.*

SEC. 68. The trustee or transferee in any such instrument named, if the instrument contains the words "with power of sale," shall have power to deal with the land as the owner thereof; and a bona fide purchaser, mortgagee, or lessee is not bound to inquire into or determine whether or not the acts of such trustee are in accordance with the terms and conditions of the trust. When such power is conferred, the registrar

Trustee to have power of sale, when.

shall note upon the certificate and duplicate thereof the words "with power of sale."

*Section 69. No trustee, with limitation, shall sell without order of court to sell.*

Trustee, with limitation, must obtain order of court.

SEC. 69. If, however, such instrument does not contain the words "with power of sale," such trustee shall have no power to sell or otherwise deal with the land without an order of court so to do, duly given and made, a certified copy of which said order shall be filed with the registrar, and a memorial thereof entered upon the certificate of title, which shall be conclusive evidence as against all persons that the authority of such trustee was duly executed in accordance with the true intent and meaning of the trust, condition, or limitation.

*Section 70. Trustee under will shall have power to sell, unless it be withheld.*

Trustee under will.

SEC. 70. A trustee under any will admitted to probate, unless such power shall have been expressly withheld by the terms of such will, shall have power to deal with any registered land held by him in trust as fully in every respect as if such lands belonged to him individually.

ESTATES IN PROBATE, IN INSOLVENCY, AND IN EQUITY PROCEEDINGS.

*Section 71. Existing statutes governing probate, insolvency, and equity proceedings, not affected.*

Existing statutes not affected.

SEC. 71. The distribution, transfer, leasing, mortgaging, or other change in the status of the title of registered land that is within the jurisdiction of any court by reason of the pendency of probate, insolvency, or equity proceedings, shall be made under the same conditions and limitations as now or hereafter provided by the law of this State.

*Section 72. Orders of sale, decrees of distribution, etc., to contain direction to registrar.*

Orders of sale to contain direction to registrar.

SEC. 72. The court in its order or decree making such distribution, transfer, leasing, mortgaging, or other change in the status of the title of registered land, shall direct the registrar to issue a certificate of title, or to note a memorial of the transaction, as the case may require, in accordance with such order or decree.

*Section 73. Certified copy of order, decree, deed, and confirmation to be filed with registrar.*

Certified copy of order, etc., to be filed with registrar.

SEC. 73. The executor, administrator, assignee, receiver, or other person acting under the direction of said court, shall file with the registrar a certified copy of such order or decree, also the deed, lease, mortgage, or other instrument executed in accordance with such order or decree, and also a certified copy of the order or decree confirming such sale, lease, mortgage, or other transaction, when such confirmation is required by law.

*Section 74. Order of court necessary for sale of land of insolvent and probate estates; confirmation and issuance of certificates thereof.*

SEC. 74. Executors, administrators, and assignees in insolvency shall have no power of sale of lands registered in their names as such, without an order of court obtained for that purpose. Before any certificate can be issued to the purchaser, such sales shall be reported for confirmation to the court under whose authority such executor, administrator, or assignee is acting, and if confirmed a duly certified copy of the order of confirmation shall be filed in the office of the registrar, and a memorial thereof entered upon the certificate of title. Upon the filing of the certified copy of such order of confirmation and the entry of such memorial, the registrar shall issue a certificate to the purchaser at such sale, which certificate, in addition to the usual contents thereof, shall refer to the said order of confirmation. Such order of confirmation shall be conclusive evidence that the sale was in all respects conducted in accordance with law, and the purchaser shall not be bound to inquire into the regularity of the proceeding, or power of the executor or administrator to make such sale.

Order of court necessary for sale of certain lands.

*Section 75. Power of sale of executor to be noted.*

SEC. 75. If a testator, by his will, has provided that the executor thereof shall have a power of sale of real estate, the court shall direct the registrar to register the words "with power of sale," in respect of the land of the deceased, and such executor shall have power to sell such land without an order of court so to do, but such sales must be confirmed by the court in the manner now or hereafter provided by the law of this State, and a duly certified copy of the order of such confirmation shall be filed with the registrar before any certificate of title can be issued to the purchaser of such land.

Power of sale of executor to be noted.

*Section 76. Registrar to issue certificate or note memorial; such to be conclusive.*

SEC. 76. Thereupon the registrar shall issue the certificate of title, or note the memorial, as the case may require; and such certificate of title or memorial noted shall be conclusive evidence in favor of all persons thereafter dealing with said land.

Registrar to issue certificate or note memorial.

TAX SALES.

*Section 77. Notice of purchase to be filed and mailed.*

SEC. 77. A purchaser of registered land sold for any tax or assessment, shall, within one day after such purchase, file in the office of the registrar a written notice of such purchase. And thereupon the registrar shall enter a memorial thereof upon the certificate of title, and shall mail to each person named in the certificate, or in the memorials thereon, a copy of said notice, a sufficient number of said copies to be furnished to the registrar by said purchaser at the time of filing said

Notice of purchase to be filed and mailed.

notice. In case the State or a municipal corporation becomes the purchaser of land sold for any tax or assessment, the Tax Collector shall, within one day thereafter, file with the registrar a notice to that effect. And thereupon the registrar shall enter a memorial thereof upon the register, and shall mail notices to interested parties, as in the case of an individual purchaser. Unless such notice is given as herein provided, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance thereof.

*Section 78. Tax deed already issued must be registered.*

Tax deed  
already  
issued  
must be  
registered.

SEC. 78. A tax deed of registered land, or of any estate or interest therein, issued in pursuance of any sale for a tax or assessment made after the taking effect of this Act, may be presented by the holder thereof to the registrar, who shall thereupon enter upon the register a memorial of such deed; but such deed, unless the same shall have been issued to the State, shall have only the effect of an agreement for the transfer of the title, and before any certificate of title shall be issued for the land described in such deed, the holder thereof must file with the clerk of the Superior Court an application for a decree showing the title to said land to be vested in him.

*Section 79. Interested persons must be made parties to said application.*

Interested  
persons  
must be  
made  
parties to  
said appli-  
cation.

SEC. 79. All persons appearing upon the register to be interested in said land, and also the person who appears by the Tax Collector's books to have paid the tax or assessment last paid before the sale on which the deed is issued, shall be notified; and any person claiming an interest in the land may, upon the hearing of such application, show, as cause why a certificate of title should not issue to the holder of said deed, any fact that might be shown in law or in equity on his behalf to set aside such tax deed, and the applicant shall be required to show affirmatively that all the requirements of the statute to entitle him to a deed have been complied with.

*Section 80. Decree shall be given showing condition of title.*

Decree  
shall be  
given  
showing  
condition  
of title.

SEC. 80. Such application shall be heard by the court, which shall render a decree showing the condition of the title to such land, and who is the owner thereof, and upon presentation to him, of a duly certified copy of such decree, the registrar shall issue a certificate for said land in accordance with the terms and conditions of said decree.

*Section 81. Tax deed to State conclusive.*

Tax deed  
to State  
conclusive.

SEC. 81. In case a tax deed of registered land is issued to the State or any municipal corporation, in pursuance of any sale for a tax or assessment made after the taking effect of this Act, the registrar shall, upon the filing of such deed in his office, cancel the certificate for the land in said deed described, and issue a new certificate to the State therefor.

*Section 82. Notice to be personal or by mail and publication.*

SEC. 82. The notice required in section eighty shall be given upon all persons residing in the State by personal service, and upon all persons living out of the State by mail and by publication in the manner now or hereafter required by the laws of this State in an action to quiet title. If such personal service be made by a Sheriff or Constable, his certificate, and if by any other person, his affidavit, shall be sufficient proof thereof. In case the place of residence of any person is not known to the registrar or the holder of such deed, notice shall be given by publication in a newspaper of general circulation in the county in which the land is situated, at least once a week for four consecutive weeks. Proof of such publication must be made in the manner now or hereafter required by the laws of this State.

Notice to be personal or by mail and publication.

*Section 83. On redemption, memorial to be canceled.*

SEC. 83. Upon presentation to him of a certificate of redemption from any tax sale, the registrar shall cancel the memorial of said sale upon the certificate of title.

On redemption, memorial to be canceled.

## PARTITION AND JUDICIAL SALES.

*Section 84. All parties noted on register must be parties.*

SEC. 84. In proceedings for partition of registered land, proof must be made that all persons, shown by the register of title to be interested in the land, have been made parties to such proceeding.

All parties noted on register must be parties.

*Section 85. Decree must be filed before certificate issued.*

SEC. 85. On confirmation of the report of the commissioners setting off registered lands in proceedings for partition, it shall be the duty of the parties to whom the lands are allotted, to cause a certified copy of the judgment or decree to be filed with the registrar. Thereupon the registrar shall transfer the same upon the register, and issue certificates of title to the persons entitled thereto, as shown by said decree.

Decree must be filed before certificate issued.

*Section 86. When sale ordered, purchaser must file copy of decree.*

SEC. 86. Whenever, in proceedings for partition of registered land, the court shall order a sale of such land, and the same is sold under such order, the purchaser shall file with the registrar a certified copy of the order confirming said sale, together with certificate of the officer holding the writ, that the terms of the sale have been complied with. Thereupon, the registrar shall transfer said land upon the register, and issue a certificate of title to the purchaser, therefor.

Purchaser must file copy of decree.

*Section 87. When mortgage on undivided share, lien attaches only to lands set off to mortgagor.*

SEC. 87. When a tenant in common has given any mortgage, or granted any other lien or interest upon his undivided interest,

Mortgage, etc., attaches only to lands set off.

and the same is set off in severalty in proceedings for partition, such mortgage, lien, or other interest shall attach only to the lands so set off, and the registrar shall note the same upon a new register of title, and a new certificate of title, and shall indorse a memorandum of the partition upon the instrument creating such lien, mortgage, or other interest, if the same be on file in his office, before a new certificate of title shall be issued therefor.

*Section 88. Purchaser at judicial sale must file certified copy of order confirming sale.*

Purchaser must file copy of order confirming sale.

SEC. 88. Whenever registered land shall be sold to satisfy any judgment, decree, or order of court, the purchaser shall file with the registrar a duly certified copy of the order of sale, or of the order confirming such sale, when the same needs to be confirmed by the court, and also the certificate, if any, of the officer, that the terms of sale have been complied with, and thereupon the registrar shall transfer the land to him, and issue a new certificate of title therefor to said purchaser.

#### LIS PENDENS; NOTICE OF ACTION.

*Section 89. Notice to affect registered land must be filed with registrar.*

Notice to affect registered land must be filed with registrar.

SEC. 89. No suit, bill, or proceeding at law or in equity for any purpose whatever, affecting registered land, or any estate or interest therein, or any charge upon the same, shall be deemed to be *lis pendens* or notice to any person dealing with the same until notice of the pendency of such suit, bill, or proceeding shall be filed with the registrar and a memorial thereof entered by him upon the register of the last certificate of the title to be affected; *provided, however*, this section shall not apply to attachment proceedings when the officer making the levy shall file his certificate as hereinafter provided.

*Section 90. When suit, etc., dismissed, certificate of dismissal or release must be filed with registrar.*

Certificate of dismissal of suit must be filed.

SEC. 90. When any suit, bill, or proceeding affecting registered lands has been dismissed or otherwise disposed of, or any judgment, decree, or order has been satisfied, released, reversed, or modified, or any levy of execution, attachment, or other process has been released, discharged, or otherwise disposed of, it shall be the duty of the Sheriff, or the clerk of the court in which such proceedings were pending, or had, as the case may be, forthwith, under his hand, and, if the clerk, under the seal of the court, to certify to and file with the registrar, an instrument showing such discharge or release. Upon the same being filed, the registrar shall enter a memorial of such discharge on the register. The costs of such certificate and memorial shall be taxed as other costs in the case.



## LIENS, EXECUTIONS, ATTACHMENTS, ETC.

*Section 91. Certified copy of judgment or decree must be filed.*

SEC. 91. No judgment, or decree, or order of any court shall be a lien on or in anywise affect registered land, or any estate or interest therein, until a certified copy of such judgment, decree, or order, under the hand and official seal of the clerk of the court in which the same is of record, is filed in the office of the registrar, and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

Copy of judgment must be filed.

*Section 92. Certificate of levy of attachment, or execution, must be filed.*

SEC. 92. Whenever registered land is levied upon by virtue of any writ of attachment, execution, or other process, it shall be the duty of the officer making such levy forthwith to file with the registrar a certificate of the fact of such levy, a memorial of which shall be entered upon the register; and no lien shall arise by reason of such levy until the filing of such certificate and the entry in the register of such memorial, any notice thereof, actual or constructive, to the contrary notwithstanding.

Certificate of levy of attachment must be filed.

*Section 93. Notice of mechanics' liens must be filed.*

SEC. 93. Notice of liens under the provisions of the mechanics' lien laws of this State shall be filed in the registrar's office, and a memorial thereof entered by him upon the register, as in the case of other charges, and such liens may be enforced as now or hereafter allowed by law. Until such notice is so filed and registered, no lien shall be deemed to have been created.

Notice of mechanics' liens must be filed.

*Section 94. Notice of assessments for street improvements, sewers, etc., must be filed by clerk.*

SEC. 94. When in a city, town, or county, an ordinance, resolution, or order is passed or made, to lay out, establish, alter, widen, grade, regrade, relocate, or construct or repair a street, sidewalk, drain, or sewer, or to make any other public improvement, or to do any work, the whole or a portion of the expense for which assessments may be made upon real estate, if any registered land or any land included in an application for registration then pending is affected by the Act or proceeding and liable to such assessment, the clerk of the board passing such ordinance, resolution, or order shall, within five days after the passage of such ordinance, resolution, or order, file in the registrar's office a notice of the passage thereof, and a memorial shall thereupon be noted on the register. In case of the repeal of such ordinance, resolution, or order, the clerk of said board, and in case of the satisfaction of any lien thereunder, the Superintendent of Streets or other officer required by law to collect and receive such assessments, shall, within five days thereafter, notify the registrar, who shall thereupon cancel such memorial.

Notice of assessments for street work must be filed.

*Section 95. No notice necessary in case of lien for labor performed for corporation not complying with law.*

All liens must be registered.  
Exception.

SEC. 95. No statutory or other lien shall be deemed to affect the title to registered land until after a memorial thereof is entered upon the register, as herein provided, except in cases of liens for labor performed for a corporation, as provided in the Act of the Legislature of the State of California, approved March thirty-first, eighteen hundred and ninety-one.

*Section 96. Clerk of court may file certificate of dismissal of suit or satisfaction of judgment.*

Certificate of clerk of court conclusive upon registrar.

SEC. 96. The certificate of the clerk of the court in which any suit, bill, or proceeding shall have been pending, or any judgment or decree is of record, that such suit, bill, or proceeding has been dismissed or otherwise disposed of, or the judgment, decree, or order has been satisfied, released, reversed, or overruled, or of any Sheriff or other officer that the levy of any execution, attachment, or other process certified by him has been released, discharged, or otherwise disposed of, being filed in the registrar's office and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such suit, bill, proceeding, judgment, decree, or levy, according to the purport of such certificate.

#### CORRECTIONS OF ERRORS IN CERTIFICATE.

*Section 97. No correction of register without order of court.*

Correction of register must be by order of court.

SEC. 97. After a title has been registered and a certificate issued therefor, or after a memorandum, notation, or memorial has been made on the register of title and has been attested, no correction, alteration, or erasure shall be made therein or thereof, except in the manner herein provided.

*Section 98. Registrar may apply to court for correction of errors or mistakes in certificate.*

Registrar may apply to court.

SEC. 98. Whenever it appears to the registrar that there is an error or omission in any certificate or memorial, or that any certificate or memorial has been made, entered, indorsed, issued, or canceled by mistake, he may apply to the court for an order summoning all persons registered as interested in the lands to which such certificate or memorial relates, to appear at an appointed time and place and produce their duplicate certificates and show cause why such omission or mistake should not be corrected, and shall thereupon enter a memorial of such application on the register.

*Section 99. If all parties consent, court may order correction of errors or mistakes.*

By unanimous consent, court may order correction.

SEC. 99. If at the time and place appointed all such persons appear and consent, the court may order and direct the registrar to correct any such error, omission, or mistake on the register and on any duplicate certificate, and may direct the cancellation of any certificate or memorial entered by mistake.

*Section 100. If all parties do not consent, court may hear testimony as to alleged error or mistake.*

SEC. 100. If such persons, or any of them, fail to appear, or do not consent, the court may proceed to hear testimony as to such alleged error, omission, or mistake, and if it appear to the satisfaction of the court that an error, omission, or mistake has been made, he shall order and direct the registrar to correct the same and to cancel or modify such certificates or memorials as may be necessary to correct such error or mistake. When such error or mistake has been caused by the fault or neglect of the registrar, the costs of such proceedings shall be paid by the State; if by the fault of any person registered as interested in such land, by such person. A certified copy of the order of court, directing the correction of any error, omission, or mistake in respect to any certificate or memorial, shall be filed in the registrar's office before such correction shall be entered or made.

If all parties do not consent, court may hear testimony.

#### EMINENT DOMAIN.

*Section 101. Right of eminent domain not affected.*

SEC. 101. Nothing in this Act shall be construed to in anywise affect or modify the exercise of the right of eminent domain. When any suit or proceeding shall have been brought in the exercise of such right for the taking of registered land, or any interest therein, or to test the validity of any such taking, or to ascertain and establish the amount of damage by reason of any such taking, it shall be the duty of both parties to the proceeding to see that a certified copy of the judgment or decree therein is duly filed and a memorial thereof entered upon the register; but in the case of the assessment of damages, no such memorial shall be entered by the registrar until such damages have been paid, in which event the register shall also show the payment of such damages; *provided, however*, that the deposit with the treasurer, as allowed by law, of such damages, shall be deemed a payment thereof, and in such case the treasurer shall forthwith file with the registrar a certificate of such deposit, and thereupon a memorial thereof shall be entered upon the register. Upon the filing of the certified copy of the order or decree of the court and the payment of damages, the registrar shall note on the register of title of the owners whose lands have been appropriated, a description of the land so appropriated, and shall register in the name of the person, corporation, or other body entitled thereto, the title of the land taken, and issue a certificate therefor.

Right of eminent domain not affected.

#### INDICES.

*Section 102. Property indices to be kept.*

SEC. 102. The registrar shall keep property indices, the pages of which shall be divided into columns, showing, first, the section or subdivision; second, the range or block; third, the township or lot; fourth, any further description necessary

Property indices to be kept.

to identify the land; fifth, the name of the registered owner; sixth, the volume; and seventh, the page of the register in which the lands are registered.

*Section 103. Name indices to be kept.*

Name indices to be kept.

SEC. 103. He shall also keep name indices, the pages of which shall be divided into columns, showing in alphabetical order, first, the names of all registered owners and all other persons interested in or holding charges upon registered land; second, the nature of the interest; third, a brief description of the land; fourth, the volume; and fifth, the page of the register in which the lands are registered.

MISCELLANEOUS PROVISIONS.

*Section 104. Registered lands may be partitioned.*

Registered lands may be partitioned.

SEC. 104. An owner of an undivided interest in registered lands may bring an action for the partition thereof. A notice of such action shall, at the time of the commencement thereof, be filed with the registrar and a memorial entered by him upon the register. A certified copy of any judgment or decree rendered in pursuance of such action shall be filed with the registrar, who shall thereupon issue new certificates in accordance therewith.

*Section 105. Registration of adverse lien not conclusive of regularity of proceedings or instruments by which created.*

Registration of adverse lien not conclusive

SEC. 105. Whenever, under the provisions of this Act, any interest in, or lien, incumbrance, or charge upon registered land, arises adversely to the registered owner without voluntary action by him, and not in pursuance of a judgment or decree of court, such registration shall not be conclusive of the regularity of any proceedings or instruments by means of which such interest, lien, incumbrance, or charge arose, or the validity of the same, and shall have no greater force and effect than would the recording, in case the land were not registered, of an instrument creating a similar interest, lien, incumbrance, or charge.

*Section 106. In case of fraud, rights and remedies the same as if land not under this Act.*

Rights and remedies in case of fraud.

SEC. 106. In the case of fraud, any person defrauded shall have all rights and remedies that he would have had if the lands were not under the provisions of this Act; *provided*, that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

*Section 107. Clerk of court shall notify registrar of appeal.*

Clerk of court shall notify registrar of appeal.

SEC. 107. In case of an appeal from any proceeding under this Act, or from any judgment, order, or decree affecting regis-

tered lands, the clerk of the court in which the notice of appeal is filed shall forthwith notify the registrar thereof, and thereupon the registrar shall enter upon the register a memorial of such appeal.

*Section 108. All fees collected by registrar to be paid to County Treasurer and applied to expenses of administration of this Act.*

SEC. 108. All fees collected by the registrar under the provisions of this Act shall be accounted for, paid, disbursed, and disposed of by him in the same manner that fees collected by him as County Recorder are now or may hereafter be by law accounted for, paid, disbursed, and disposed of. Should there be a surplus in any year, such surplus shall be carried into the general fund, and be subject to appropriation for any purpose. In case such fees shall not amount to the sum required for the administration of this Act, the deficiency shall be paid from any funds in the treasury not otherwise appropriated.

Fees to be paid to County Treasurer.

*Section 109. Board of Supervisors shall furnish registrar all necessary books, etc.*

SEC. 109. All books, blanks, papers, and all things necessary for the purpose of carrying out the provisions of this Act, shall be furnished by the Board of Supervisors, at the expense of the county.

Supervisors to furnish books, etc.

*Section 110. The Attorney-General, State Controller, and Secretary of State to prepare forms.*

SEC. 110. The Attorney-General, State Controller, and Secretary of State shall prepare a uniform system of books, blanks, and forms for the use of the public officers required to perform duties under this Act, and such forms, and none other, shall be used by such officers.

Uniform system of books, blanks, etc.

PENALTIES.

*Section 111. Fraudulent procurement of certificate, a felony.*

SEC. 111. Whoever fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any certificate of title or other instrument, or of any entry in the register or other book kept in the registrar's office, or of any erasure or alteration in any entry in any said book, or in any instrument authorized by this Act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony, and fined not exceeding five thousand dollars, or be imprisoned not exceeding five years nor less than one year, or either, or both, in the discretion of the court.

Fraudulent procurement of certificate.

Penalty.

*Section 112. Forgery of seal, signature, or instrument in registrar's office, a felony.*

SEC. 112. Whoever (1) forges, or procures to be forged, or assists in forging the seal of the registrar, or the name, signature, etc.

Forgery of seal, signature, etc.

Penalty. ture, or handwriting of any officer of the registry office in cases where such officer is expressly or impliedly authorized to affix his signature; or (2) fraudulently stamps, or procures to be stamped, or assists in stamping any document with any forged seal of said registrar; or (3) forges, or procures to be forged, or assists in forging the name, signature, or handwriting of any person whomsoever to any instrument which is expressly or impliedly authorized to be signed by such person; or (4) uses any document upon which any impression, or part of the impression, of any seal of said registrar has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, knowing the same to have been forged; or (5) swears falsely concerning any matter or procedure made and done in pursuance of this Act, shall be guilty of a felony, and imprisoned not exceeding ten years, nor less than one year, or fined not exceeding five thousand dollars, or both fined and imprisoned, in the discretion of the court.

*Section 113. No proceeding or conviction under this Act shall affect any remedy at law or in equity.*

Conviction hereunder not a bar to further proceedings.

SEC. 113. No proceeding or conviction for any act hereby declared to be a misdemeanor or a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act, or against his estate, or against the registrar, or upon his bond.

#### FEES.

*Section 114. Fees same as in similar cases under present laws, except as provided herein.*

Fees.

SEC. 114. *First*—The fees, in respect of applications and proceedings under them prior to registration, shall be the same as in actions in the Superior Court.

*Second*—There shall be paid to the registrar:

For issuing a certificate of title, including one duplicate thereof, one dollar and fifty cents.

For each additional duplicate, fifty cents.

For registering each transfer, including the issue and registration of the new certificate, one dollar and fifty cents.

For entry of each memorial on the register, including the indorsement upon the duplicate certificates, one dollar.

For the cancellation of each certificate, memorial, or charge, twenty-five cents.

For each certificate showing condition of register, one dollar and fifty cents.

For filing any instrument, or for a certified copy of the register, or of any instrument or writing on file in his office, the same fees allowed by law to Recorders for like services.

## CONSTRUCTION.

*Section 115. Act to be liberally construed. Construction of similar legislation elsewhere, not adopted.*

SEC. 115. This Act shall be construed liberally so far as may be necessary for the purpose of effecting its general intent, but does not adopt by implication the construction of any similar legislation of other jurisdictions which this Act may to any extent have followed.

Act to be  
construed  
liberally.

*Section 116. Act to take effect July 1, 1897.*

SEC. 116. This Act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-seven.

In effect  
July 1, 1897.

## CHAPTER CXI.

*An Act authorizing and empowering the board of school trustees of the City of San José, County of Santa Clara, State of California, to erect, construct, and build, and maintain, at the expense of the said City of San José, a high school building on the north side of the state normal school grounds at San José, between Fifth and Seventh streets in said city.*

[Approved March 17, 1897.]

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

SECTION 1. The State of California hereby authorizes and empowers and grants to the board of school trustees of the City of San José, County of Santa Clara, the right and privilege to erect, construct, build, and maintain a high school building, and conduct and carry on a high school therein at the expense of said City of San José, on the grounds of the state normal school at San José; said building to be erected on the north side of said normal school grounds, between Fifth and Seventh streets in said city, at such point as may be agreed upon between the board of trustees of said state normal school and the board of school trustees of said City of San José. And the right and privilege is hereby granted to said City of San José to enter into and upon the lands and premises necessary for the said high school building, and grounds necessary to the use thereof, for the purpose of laying water and gas mains and pipes, or for the erection of electric light poles and wires, and for all other purposes necessary to the building and constructing of such high school building and the maintenance of a high school therein.

Authority  
to erect a  
high school  
building  
on normal  
school  
grounds at  
San José.

SEC. 2. The City of San José shall keep so much of the lands and premises belonging to said state normal school as may be used by said City of San José for the use of said high school in good condition at the expense of said City of San

Duty of  
City of  
San José.

José, and shall gravel and care for the walks in and upon the lands so used for high school purposes, and maintain and care for the grass plots and ornamental trees and shrubs, and beautify and ornament so much of said lands and premises as may be agreed upon between the board of trustees of said normal school and the board of school trustees of said city.

SEC. 3. This Act shall take effect immediately.

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## CHAPTER CXII.

*An Act to validate the organization and incorporation of municipal corporations.*

[Approved March 17, 1897.]

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

Validating  
incorpora-  
tions  
where cer-  
tain condi-  
tions have  
been com-  
plied with.

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

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



## CHAPTER CXIII.

*An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.*

[Approved March 17, 1897.]

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

SECTION 1. Section one of the Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, one thousand eight hundred and ninety-three, is hereby amended so as to read as follows:

Section 1. The Governor of the State of California shall, on or before the first day of January, one thousand eight hundred and ninety-eight, appoint a competent civil engineer for a period of four years only, to be known as and called the Debris Commissioner; *provided, however,* that the Debris Commissioner heretofore appointed under the Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, shall continue to perform the duties, and receive the compensation of that office, subject to the provisions of this Act, until the expiration of the term for which he was appointed and until the appointment and qualification of the Debris Commissioner provided for by this Act.

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

Section 2. Said commissioner shall receive a compensation of ten dollars per day while actually engaged in the discharge of his duties, and his necessary traveling expenses, to be allowed by the State Board of Examiners.

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

Section 3. It shall be the duty of the said Debris Commissioner to consult and advise with the members of the corps of engineers of the United States Army comprising the California Debris Commission (created by Act of Congress approved March first, eighteen hundred and ninety-three), in relation to the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, or other causes; and it shall be his duty to examine such works, and to report the result of such examination to the State Board of Examiners. Said Debris Commissioner is further authorized

and directed to consult and advise with said "California Debris Commission" in relation to any and all plans and specifications that may have been or may hereafter be prepared or adopted by said "California Debris Commission," for the construction of such restraining or impounding works, and said Debris Commissioner shall submit a copy of all such plans and specifications to the State Board of Examiners for their examination and consideration, together with his approval or disapproval thereof, or other recommendation with reference thereto. The State Board of Examiners shall thereupon proceed to examine and consider the plans and specifications thus submitted to them, and in that behalf may require the attendance, counsel, and advice of said Debris Commissioner, during their examination and consideration thereof. The State Board of Examiners shall keep a record of their deliberations and shall either approve or disapprove said plans and specifications, which approval or disapproval may be by a majority vote of said board; *provided*, that no plans and specifications involving an expenditure on the part of the State of California of a sum greater than the appropriation herein made shall be approved. If said plans and specifications be approved by the State Board of Examiners, the said Debris Commissioner shall thereupon report such action to said "California Debris Commission."

Whenever said "California Debris Commission" or the government of the United States shall have entered into any contract for the construction of works for the purposes described in this Act, in pursuance of plans and specifications that have been theretofore approved by the State Board of Examiners as in this Act provided, it shall then be the duty of the Debris Commissioner to carefully inspect such works during the process of their construction and to keep a record of the result of such inspection and to report the same monthly to the State Board of Examiners. Said Debris Commissioner shall also from time to time, during the process of the construction of such works, when requested so to do by the said "California Debris Commission," draw his warrants upon the State Controller in favor of such person or persons as may be designated by said "California Debris Commission" for such amounts as shall equal one half of the cost of the construction of said works; and said Debris Commissioner shall, in like manner, and when requested so to do by said "California Debris Commission," draw his warrant upon the State Controller for an amount equal to one half the purchase price of any site or sites necessary for the construction of said works; *provided*, that the purchase of such site or sites shall have been first approved by the State Board of Examiners; and *provided further*, that no warrant shall be drawn in excess of the amount appropriated by this Act.

Sec. 4. Section four of said Act is hereby amended so as to read as follows:

Section 4. There is hereby appropriated out of the general fund of the treasury of this State not otherwise appropriated, the sum of two hundred and fifty thousand dollars, to be used in the construction of works for the restraining and impound-

Duty of  
State Board  
of Exami-  
ners.

California  
Debris  
Commis-  
sion.

Sites.

Appropriation.

ing of debris resulting from mining operations, natural erosion, or other causes, and for the purchase of sites therefor. The appropriation made by this section is intended as a re-appropriation of the sum of two hundred and fifty thousand dollars appropriated by the Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and it is expressly intended and provided by this Act that the State of California shall, in no event, incur any liability hereunder beyond the amount of the appropriation herein made; and no contractor, claimant, or person shall acquire any right or obligation against the State of California beyond said sum so appropriated and set apart for the purposes hereinabove set forth, and it is expressly declared that any claim or demand against the State of California in excess of said appropriation shall be invalid and void. Said moneys shall be paid only upon orders drawn by the State Controller upon the written request of said Debris Commissioner, as in this Act provided.

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

Section 7. All expenditures authorized by the provisions of this Act shall be subject to the approval of the State Board of Examiners; and the State Controller is hereby authorized to draw his warrant for all expenditures not in excess of the appropriation herein provided for so approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same.

SEC. 6. This Act shall take effect immediately.

SEC. 7. This Act shall take effect immediately.

#### CHAPTER CXIV.

*An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act.*

[Approved March 17, 1897.]

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

SECTION 1. Within thirty days after the passage of this Act, the Governor shall appoint five persons, who shall be citizens of the State of California, and not all members of

Auditing  
board to  
Commis-  
sioner of  
Public  
Works.

the same political party, and who, after the first appointment, shall hold office for four years after their appointment, who shall be known as the auditing board to the Commissioner of Public Works. They must, within fifteen days after receiving notice of their appointment, meet in the City of Sacramento, and organize by selecting from their number a president and secretary. But of those appointed under this Act, the term of office of two shall be for two years, and the term of the others for four years, and the Governor shall designate, in their commissions, their respective terms. Thereafter all shall be appointed for four years. All vacancies shall be filled in like manner by appointment from the Governor, but the person appointed to fill a vacancy shall fill only the unexpired term. No member thereof shall recover any compensation whatever, but they may be paid their reasonable traveling expenses in attending meetings, to be audited by the Board of Examiners. They shall meet at Sacramento City once in two months, and oftener if required.

Duties.

SEC. 2. For the purposes of this Act, the report of the Commissioner of Public Works, dated November sixteen, eighteen hundred and ninety-six, and accompanying reports and plans of engineers, shall be adopted and made the basis of operations, and the plans therein specified for promoting drainage and improving and rectifying river channels, shall, as far as practicable, be carried out and finished as herein provided.

Powers and duty of Commissioner of Public Works.

SEC. 3. The Commissioner of Public Works shall have charge and superintendence of all work authorized by this Act, and shall employ and direct all employes, but no expenditure shall be made without the sanction of the auditing board. The Commissioner of Public Works shall determine the character and extent of the work to be done in accordance with the said report, and shall have full power to carry on and complete the same.

Appropriation.

SEC. 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred thousand dollars, to be paid to the said auditing board, and to be expended for the purposes hereinafter specified, to wit: for the purchase, construction, and operation of one or more dredgers, or machines, and appliances, to improve and rectify the river channels of the State of California, so as to promote drainage and to protect towns and cities of the State of California from inundation, as outlined and described in the said report of Commissioner of Public Works; to erect, build, and construct embankments, and other works, where necessary, for carrying out the purposes of this Act; to employ persons in and about said work, and to purchase such supplies as may be necessary for the carrying on of the same, and for doing all other work described in said report, to improve and rectify river channels so as to promote drainage.

Employment of necessary help.

SEC. 5. The Commissioner of Public Works shall have power to employ such persons in and about said work as the auditing board may determine to be necessary, at a compensation to be fixed by the auditing board. All contracts for the

purchase of material and supplies, or for such work as can be done by contract, where the expense thereof shall exceed the sum of five hundred dollars, shall be awarded to the lowest bidder, at a public letting thereof, and after a notice to bidders to be published in one newspaper published in the City of Sacramento, one in Stockton, and one in San Francisco, for at least one week; *provided*, that at least two weeks shall intervene between the last publication of said notice, and the time for opening bids; *provided*, the said bid is a fair and reasonable one. All bids required by this Act shall be accompanied by such security as the auditing board may require, conditioned upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the auditing board may require, and to their satisfaction, that he will faithfully perform his contract. If all the bids made at such letting are deemed unreasonably high, the board may, in their discretion, decline to contract, and may again advertise for such time and in such papers as they see proper, for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the board may contract for articles and supplies for immediate and temporary use, with any one whose offer is regarded as just and equitable, or may purchase in the open market. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the board may select the one which, all things considered, may by them be thought best for the interest of the State, or they may divide the contract between the bidders, as in their judgment may seem proper and right. The board shall have power to let a contract in the aggregate, or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The board shall have the power to reject the bid of any person who had a prior contract and who had not, in the opinion of the board, faithfully complied therewith. If, however, any sudden emergency should arise, rendering it necessary, in the judgment of the auditing board, to protect works already completed, or to prevent any work in process of construction being damaged by storms or flood waters, that immediate repairs or work should be done, the said Commissioner of Public Works shall have power to perform such work, or make such repairs, in the manner which to him seems most advisable.

SEC. 6. It will not be necessary to obtain the sanction of any other board or officer for the doing of any work, or the letting of any contract, except as herein specified, but all claims shall be audited by the State Board of Examiners as provided for by law.

Contracts  
for  
supplies.

Advertise-  
ment.

Security.

Bids may  
be rejected.

Supplies  
for tempo-  
rary use.

Powers of  
board in  
letting  
contract.

Auditing  
of claims.

Auditing board may condemn right of way.

SEC. 7. The auditing board may condemn the right of way necessary for the purpose of doing the work outlined and described in said report of the Commissioner of Public Works, and may purchase or condemn all land and material necessary to carry out such plans of drainage, and may generally connect with, enlarge or strengthen any work of construction, and may condemn any lands which may be by them deemed necessary for the purposes of the Act, and it is hereby declared that such purposes are a public use and that said appropriation is for the public benefit; *provided, however*, that they shall not interfere with any existing reclamation work or cut ditches or drains, without the consent of the board of trustees thereof, on, in, or over any lands situated in any swamp land, reclamation, levee, or protection district.

Same.

SEC. 8. Whenever the auditing board cannot procure from the owner or owners thereof, without purchase, the right of way or material needed for the construction of such works as are described in the said report of the Commissioner of Public Works, or cannot procure the consent to join or connect with any existing works, or procure lands necessary for the construction and completion of the said system and plan described in said report, the said auditing board may, in their own name or in the name of the State of California, proceed to condemn the same under the provisions of title seven, part three, of the Code of Civil Procedure and amendments thereto, which are now existing or which may hereafter be made; *provided*, that cities, towns, levee districts, swamp land districts, reclamation districts, protection districts, and all municipal corporations having levees, reclamation, or protection works shall have and retain the exclusive management and control thereof, subject to the right to connect the work as herein provided.

Not to be interested in contracts.

SEC. 9. Any member of the auditing board, or the Commissioner of Public Works, or any appointee or employé of either, who shall be interested in any contract for the construction of any work provided for by this Act, shall be guilty of a felony.

Scope of this Act.

SEC. 10. Nothing contained in this Act shall in any manner affect the laws in force in reclamation and levee districts, nor shall any levees be condemned nor purchased under the provisions of this Act.

Duty of Controller and Treasurer.

SEC. 11. The Controller is hereby directed to draw his warrant in favor of the said auditing board for the amount appropriated by this Act, and the Treasurer is hereby directed to pay the same.

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

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

## CHAPTER CXV. .

*An Act to amend section eight hundred and sixty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.*

[Approved March 18, 1897.]

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

SECTION 1. Section eight hundred and sixty-two of article three, chapter seven, of said Act, be and the same is hereby amended so as to read as follows:

Section 862. The Board of Trustees of said city shall have power: Powers of Boards of Trustees of cities of sixth class.

1. To pass ordinances not in conflict with the Constitution and laws of this State or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any waterfront.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To construct, establish, and maintain drains and sewers.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.

8. To impose and collect an annual license not exceeding two dollars on every male dog and four dollars on every female dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax which shall not exceed seventy-five cents on each one hundred dollars.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions,

Powers of  
Boards of  
Trustees of  
cities of  
sixth class.

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; *provided*, that any license taxes collected under a city ordinance shall be collected by the city or town marshal, and paid into the city or town treasury for the use of the city or town in which it is collected.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the waterfront of the city; to construct and maintain embankments and other works to protect such city from overflow, and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city, or contiguous thereto, wharves, chutes, piers, breakwaters, bath-houses, and life-saving stations.

12. To erect and maintain buildings for municipal purposes.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light and heat, public libraries, museums, gymnasiums, parks, and baths; and to permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.

16. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXVI.

*An Act to amend an Act entitled "An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises," approved March 23, 1893, by amending section one of said Act.*

[Approved March 19, 1897.]

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

SECTION 1. Section one of an Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises, approved March twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:



Section 1. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate railroads along or upon any public street or highway, or to exercise any other privilege whatever hereafter proposed to be granted by the Board of Supervisors, or other governing or legislative body of any county or district within this State, except renewals of franchises or privileges for wharves, chutes, or piers, in counties outside of the limits of incorporated cities or towns, shall be granted upon the conditions in this Act provided, and not otherwise. The fact that an application for such franchise or privilege has been made to such Board of Supervisors or other governing or legislative body, together with a statement that it is proposed to grant the same, must first be advertised in one or more daily newspapers in the county or district wherein the said franchise or privilege is to be exercised. If there be no daily newspaper published in the district wherein the said franchise or privilege is to be exercised, then the publication must be made in some other daily newspaper of the county, and if there be no daily newspaper published in the county wherein the said franchise or privilege is to be exercised, then the publication must be made in a daily newspaper published in an adjoining county. Such advertisements must continue every day for at least ten days, and must commence at least thirty days before any further action of the Board of Supervisors or other governing or legislative body. The advertisement must state the character of the franchise or privilege proposed to be granted, the term of its continuance, and, if a street railroad, the route to be traversed, and the day on which tenders will be received for the same. On the day so stated, the board or other governing or legislative body herein mentioned, must meet in open session and read the tenders. The franchise or privileges must then be awarded to the highest bidder; *provided, however*, that nothing in this section shall affect a special privilege granted for a shorter term than two years.

Conditions for the granting of franchises in municipalities.

Advertising of application.

What advertisement must state.

Must be awarded to highest bidder.

## CHAPTER CXVII.

*An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.*

[Approved March 20, 1897.]

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

SECTION 1. The width of tires for wheels upon wagons or other vehicles to be used upon public highways of the State of California shall be, for the following styles of wagons, as follows: Two and three fourths inch steel or thimble-skein axle, one and seven eighths inch tubular steel or iron axle, not less than three-inch tire; one and one half inch steel or iron axle, two and one eighth inch tubular or iron axle, not less

Prescribing width of tires on wagons.

than three and one half inch tire; three-inch steel or thimble-skein, one and five eighths inch steel or iron axle, two and three eighths inch tubular steel or iron axle, not less than four-inch tire; three and one fourth inch steel or thimble-skein, one and three fourths or one and seven eighths inch steel or iron axle, two and five eighths inch tubular steel or iron axle, not less than four and one half inch tire; three and one half inch steel or thimble-skein, two-inch steel or iron axle, two and seven eighths inch tubular steel or iron axle, not less than five-inch tire; three and three fourths inch steel or thimble-skein, two and one fourth steel or iron axle, three or three and one eighth inch tubular steel or iron axle, not less than five and one half inch tire; four-inch and larger, steel or thimble-skein, two and one half inch, and larger, steel or iron axle, three and one fourth inch, and larger, tubular steel or iron axle, not less than six-inch tire. Other styles of axle shall have tires of same width as those of equal carrying capacity above specified. All intermediate sizes shall have tires of the same width as the next larger size above specified.

SEC. 2. Every person who sells, or purchases, or uses upon any public highway of the State of California any wagon or other vehicle, the wheels of which wagon or vehicle has tires of a less width than as specified for such kind of wagon in section one of this Act, shall be guilty of a misdemeanor.

SEC. 3. Every person who brings into the State of California, or who, in said State, offers to sell or sells any such wagon or vehicle which has not tires of the width prescribed by section one of this Act, shall be guilty of a misdemeanor.

Penalty.

SEC. 4. Any person found guilty of a violation of any of the provisions of this Act shall be fined in the penal sum of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or to be imprisoned in the county jail not less than twenty-five (25) days nor more than six months.

SEC. 5. This Act shall take effect and be in force after January first, nineteen hundred.

## CHAPTER CXVIII.

*An Act making an appropriation to pay for the expenses incurred by Assembly Concurrent Resolution No. 6, appointing a joint committee of the Senate and Assembly to investigate the affairs of the state printing office.*

[Approved March 20, 1897.]

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

\* Appropriation for contingent expenses of the Legislature.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the expenses incurred by a joint committee appointed by

Assembly concurrent resolution number six, to investigate the affairs of the state printing office, and the State Controller is hereby authorized to draw his warrant for the same, in favor of J. H. Dickinson, chairman of said joint committee, who shall defray said expenses, provided the said expenses are first approved by a majority of said committee, and the Treasurer is hereby directed to pay the same. All such claims or expenses are hereby specially exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 2. This Act shall take effect immediately.

### CHAPTER CXIX.

*An Act appropriating money to pay the expenses of conducting investigation into the charges of bribery in connection with the passage of Assembly Bill No. 273.*

[Approved March 20, 1897.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the investigation by the committees of the Assembly and Senate of charges of bribery in connection with the passage of assembly bill number two hundred and seventy-three. All claims or expenses incurred in this investigation, and which are properly payable out of this appropriation, shall be audited and approved by the committee which conducted the investigation, and upon such approval shall be paid as are other claims against the State. All such claims are hereby specially exempted from the provisions of section six hundred and seventy-two of the Political Code.

Appropriation to pay expenses of investigating charges of bribery in re A. B. 273.

SEC. 2. This Act shall take effect immediately.

### CHAPTER CXX.

*An Act to amend section six hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure."*

[Approved March 27, 1897.]

*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:

Property exempt from execution.

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

Chairs,  
books, etc.

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

Household  
furniture,  
provisions,  
etc.

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing-machine, stove, 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; also, one piano, one shotgun, and one rifle.

Farming  
utensils,  
etc.

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; 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 bee-hives, and one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business.

Mechanic's  
tools, 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; also, the typewriters, or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also, one bicycle, when the same is used by its owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business.

Miner's  
cabin,  
tools, etc.

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 appliances 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.

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. Live-stock.

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. Fisher-  
men's nets,  
etc.

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

9. Seamen and sea-going fishermen's wages and earnings, not exceeding one hundred dollars. Seamen's  
wages.

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears, by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this State, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessities of life, or have been incurred at a time when the debtor had no family, residing in this State, supported in whole or in part by his labor, the one half of such earnings above mentioned are nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred. Earnings.

11. 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. Shares.  
  
Seaman's  
outfit.

12. 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. Life  
insurance.

13. 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. Fire  
apparatus.

14. All arms, uniforms, and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor. Arms, uni-  
forms, etc.

15. All court-houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices belonging to any county, or to any city and county of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, Public  
property.

owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this State.

**Material.** 16. All material purchased in good faith for use in the construction, alteration, or repair of any building, mining claim, or other improvement, as long as in good faith the same is about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement.

**Exception.** 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.

## CHAPTER CXXI.

*An Act to provide for the sale of an excess of water when owned by a municipality.*

[Approved March 27, 1897.]

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

Sale of  
excess of  
water by  
municipal-  
ity.

SECTION 1. Whenever the water supply owned by any city, incorporated town, county, or city and county, is in excess of the amount required to supply the water required by the inhabitants thereof, it may be declared by ordinance that such excess exists, and such excess of water may be sold outside of the limits of the corporation; but in no case shall a contract be made for a supply of any excess of water sold by a city, incorporated town, county, or city and county, outside the corporate limits, for a period longer than one year; and in no case shall such a contract be made unless the legislative authority of a city, incorporated town, county, or city and county, declare by ordinance that there exists an excess of water not required to supply the inhabitants of the city, incorporated town, county, or city and county, within the term of the contract, but water not required to supply the inhabitants of a city, incorporated town, county, or city and county, may be sold by the authorities thereof outside the corporate limits from month to month during the existence of such excess, and shall be sold only at the rates fixed for consumers inside the corporate limits.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXXII.

*An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.*

[Approved March 27, 1897.]

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

SECTION 1. An Act entitled an Act to provide for the organization, incorporation, and government of municipal corporations, approved March thirteenth, eighteen hundred and eighty-three, is hereby amended by adding a new section thereto, to be known as section eight hundred and thirteen, which section shall read as follows, to wit:

Section 813. Fire departments in cities of the fifth class shall consist of volunteer companies of firemen, organized into engine, hose, or hook and ladder companies. Such fire department and such fire companies shall elect their own officers; *provided*, that in the election of any person as chief of any such fire department, his election shall be forthwith certified by the secretary of said department to the Board of Trustees of such city, and by them, at their next regular meeting, confirmed, and such chief shall give a bond to the chairman of the Board of Trustees of such city, in the sum of one thousand dollars; and the chief of every fire department must inquire into the cause of every fire occurring in the city, and keep a record thereof. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fires when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management, and direction of the fire companies, hose, hook and ladder companies, and engine, and fire departments of such city, and shall perform such other duties as may be by the ordinances of said city, or by law, imposed upon him. His compensation, which shall not be less than ten dollars per month, must be fixed and paid by the Board of City Trustees.

Fire departments in cities of the fifth class.

Duties of chief.

Compensation.

## CHAPTER CXXIII.

*An Act to amend section eleven hundred and twenty-seven of the Penal Code, relating to charging the jury.*

[Approved March 27, 1897.]

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

SECTION 1. Section one thousand one hundred and twenty-seven of the Penal Code of the State of California is hereby amended to read as follows:

Duty of court in charging jury.

1127. In charging the jury the court must state to them all matters of law necessary for their information. All instructions given (except such as might incidentally be given during the admission of evidence) shall be in writing, unless both parties request the giving of an oral instruction, or consent thereto, and when so given orally, all instructions must be taken down by the phonographic reporter. Either party may present to the court any written charge, and request that it be given. If the court thinks it correct and pertinent, it must be given; if not, it must be refused. Upon each charge presented and given or refused, the court must indorse and sign its decision. If part be given and part refused, the court must distinguish, showing by the indorsement what part of the charge was given and what part refused.

## CHAPTER CXXIV.

*An Act to amend section three hundred and ninety-eight of the Code of Civil Procedure, relating to a change of place of trial.*

[Approved March 27, 1897.]

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

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

Change of place of trial.

398. If an action or proceeding is commenced or pending in a court, and the judge or justice thereof is disqualified from acting as such, or if, from any cause, the court orders the place of trial changed, it must be transferred for trial to a court the parties may agree upon, by stipulation in writing, or made in open court and entered in the minutes; or, if they do not so agree, then to the nearest or most accessible court, where the like objection or cause for making the order does not exist, as follows:

1. If in a Superior Court, to another Superior Court.
2. If in a Justice's Court, to another Justice's Court in the same county.

SEC. 2. This Act shall go into effect upon its passage.



## CHAPTER CXXV.

*An Act to amend section two hundred of the Code of Civil Procedure, by adding a new subdivision, to be known as subdivision number eleven, relating to exempting "exempt firemen" from jury duty.*

[Approved March 27, 1897.]

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

SECTION 1. Section two hundred of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

200. A person is exempt from liability to act as a juror if he be: Exemption from jury duty.

1. A judicial, civil, or military officer of the United States, or of this State;

2. A person holding a county, city and county, or township office;

3. An attorney-at-law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper, or attendant of an almshouse, hospital, asylum, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this State;

10. An express agent, mail carrier, superintendent, employé, or operator of a telegraph line doing a general telegraph business in this State, or keeper of a public ferry or toll-gate;

11. An active member of the National Guard of California, or an active member of a fire department of any city and county, city, town, or village in this State, or an exempt member of a duly organized fire company;

12. A superintendent, engineer, or conductor on a railroad; or,

13. A person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year; but this exemption shall not extend to a person who is summoned as a juror for the trial of a particular case.

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

## CHAPTER CXXVI.

*An Act to add a new section to the Civil Code of the State of California, to be known and numbered as section seventy-nine and one half, relating to the procuring of licenses for marriage, the solemnization of marriages, and the recording of the declaration of marriage.*

[Approved March 27, 1897.]

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

SECTION 1. That a new section is hereby added to the Civil Code of the State of California, to be known and numbered as section seventy-nine and one half, and to read as follows:

Recording  
declaration  
of mar-  
riage.

79½. The provisions of this chapter, so far as they relate to procuring licenses and the solemnizing of marriages, are not applicable to members of any particular religious denomination having, as such, any peculiar mode of entering the marriage relation; but such marriages shall be declared, as provided in section seventy-six of the Civil Code of this State, and shall be acknowledged and recorded, as provided in section seventy-seven of said Civil Code. Where a marriage is declared as is provided in said section seventy-six, the husband shall file said declaration with the County Recorder within thirty days after said marriage, and upon receiving the same the County Recorder shall record the same; and if the husband fail to make such declaration and file the same for record, as herein provided, he shall be liable to the same penalties as any person authorized to solemnize marriages, and who fails to make the return of such solemnization as provided by law.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXXVII.

*An Act to amend sections twelve hundred and fifty-four and twelve hundred and fifty-seven of the Code of Civil Procedure, relating to the right of eminent domain.*

[Approved March 27, 1897.]

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

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

Right of  
eminent  
domain.

1254. At any time after the filing of the complaint, and the issuance and service of the summons thereon, the court may, upon notice to the defendant by said court, by an order in that behalf made, authorize the plaintiff, if already in

possession, to continue in the possession and use, and if not in possession, to take possession of and use the land and premises sought to be condemned, during the pendency and until the final conclusion of the proceedings brought to condemn the same, and may stay all actions and proceedings against such plaintiff on account thereof; *provided, however*, that in and by said order said plaintiff shall be ordered to pay, and thereafter and before the taking of such possession, or of the further continuance in possession of any such land and premises, pay a sufficient sum of money into court, or give security for the payment thereof, to be approved by the judge of such court, to compensate said defendant for all damages which may be sustained by said defendant by reason of such proceedings, or of any such condemnation; *provided*, the condemnation shall be finally had of the said land and premises, together with all damages which may be sustained by the said defendant, if the said proceedings for said condemnation shall finally fail; or if for any cause the said land and premises shall not be taken for the public use for which the same is sought to be condemned, and upon the deposit of the said money, or upon the giving of such security, as ordered by the court, the said plaintiff, by the said order of the said court, shall be let into the possession and use of said land and premises sought to be condemned, or be continued in the possession and use thereof, in the same manner and to the same effect as the said plaintiff would be entitled after the trial of such proceedings and the entry of final judgment therein, except that the right of said plaintiff to retain such possession and to use said land and premises shall be determined by said final judgment, and in case of a refusal of the defendant, upon the order of said court, to allow the said plaintiff to enter into the possession and use of said land and premises, or any part thereof, the said court, upon application of said plaintiff, shall issue a writ of assistance of the same force and effect as writs of assistance are issued in other cases in which writs of assistance are issuable, which said writ shall be executed by the Sheriff of the county wherein the said land and premises may be situated, without delay.

Putting plaintiff in possession.

Security.

Condemnation.

The defendant who is entitled to the said money paid into court as aforesaid, or upon any judgment in such proceedings, shall be entitled to demand and receive the same at any time thereafter upon obtaining an order therefor from the court. It shall be the duty of the court, upon application being made by such defendant, to order and direct that the money so paid into court be delivered to him upon his filing a satisfaction of the judgment, or upon filing his receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial shall be granted. A payment to defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation. In ascertaining the amount to be paid into court, the court shall take care that the same be sufficient and adequate. The payment of the money into court, as here-

Defendant's rights.

Payment of money does not discharge the plaintiff.

inbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceedings), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by order of court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted or withdrawn, through no fault of the defendant, the court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of court, as above provided, and until such time or times the County Clerk shall be deemed to be the custodian of the money, and shall be liable to the plaintiff upon his official bond for the same, or any part thereof, in case it be for any reason lost or otherwise abstracted or withdrawn. The court, however, may order the money to be deposited in the state treasury, and in such case it shall be the duty of the State Treasurer to receive all such moneys, duly receipt for, and safely keep the same in a special fund, to be entered upon his books as a condemnation fund for such purpose, and for such duty he shall be liable to the plaintiff upon his official bond. The State Treasurer shall pay out such money so deposited in such manner and at such times as the court may, by order, direct. In all cases where a new trial has been granted upon the application of the defendant, and he has failed upon such trial to obtain greater compensation than was allowed him upon the first trial, the costs of such new trial shall be taxed against him.

Duty of  
State  
Treasurer.

SEC. 2. Section twelve hundred and fifty-seven of the Code of Civil Procedure is hereby amended to read as follows:

New trials  
and  
appeals.

1257. The provisions of part two of this Code, relative to new trials and appeals, except in so far as they are inconsistent with the provisions of this title, apply to the proceedings mentioned in this title; *provided*, that upon the payment of the sum of money assessed, and upon the execution of the bond to build the fences and cattle-guards, as provided in section twelve hundred and fifty-one, the plaintiff shall be entitled to enter into, improve, and hold possession of the property sought to be condemned, if not already in possession, or shall have been let into the possession and use thereof, as provided in section twelve hundred and fifty-four, and devote the same to the public use in question; and no motion for a new trial or appeal shall, after such payment and filing of such bond as aforesaid, in any manner retard the contemplated improvement. Any money which shall have been deposited, as provided in section twelve hundred and fifty-four, may be applied to the payment of the money assessed, and the remainder, if any there be, shall be returned to the plaintiff.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CXXVIII.

*An Act to appropriate one thousand five hundred and thirty-five and twenty-five one hundredths dollars to pay the claim of W. W. Foote and Garret W. McEnerney for legal services rendered and expenses incurred by them in that certain action commenced in and decided by the Supreme Court of the State of California, and which was therein entitled "The People of the State of California, on the relation of John C. Lynch, petitioners, vs. James H. Budd, respondent," and numbered S. F. No. 600.*

[Approved March 27, 1897.]

*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 and thirty-five and twenty-five one hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of W. W. Foote and Garret W. McEnerney for legal services rendered and expenses incurred by them in that certain action commenced in and decided by the Supreme Court of the State of California, wherein the People of the State of California, on the relation of John C. Lynch, were petitioners, and in which James H. Budd, as Governor of the State of California, was respondent, and which action was numbered S. F. No. 600. Said action involved the question as to whether there should be an election in November, eighteen hundred and ninety-six, to fill an unexpired term in the office of Lieutenant-Governor. Said W. W. Foote and Garret W. McEnerney were, with the consent of the Attorney-General, employed by said Governor, to represent him and defend the said action, and their aforesaid claim has been approved by the State Board of Examiners.

Appropriation to pay for legal services, State vs. James H. Budd.

SEC. 2. The Controller of the State is hereby directed to draw his warrant for the sum of one thousand five hundred and thirty-five and twenty-five one hundredths dollars in favor of said W. W. Foote and Garret W. McEnerney, and the Treasurer is hereby directed to pay the same.

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

## CHAPTER CXXIX.

*An Act to require ordinances and resolutions passed by the City Council or other legislative body of any municipality to be presented to the Mayor or other chief executive officer of such municipality for his approval.*

[Approved March 27, 1897.]

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

Every ordinance and every resolution must be approved by chief executive of municipality.

SECTION 1. Every ordinance and every resolution of the City Council of any municipality providing for any specific improvement, or the granting of any franchise, or other privilege, or affecting real property interests, or the expenditure of more than one hundred dollars of the public moneys, or levying tax or assessment, or establishing rates for artificial light, and every ordinance or resolution imposing a duty or penalty, which shall have passed the City Council, shall, before it takes effect, be presented to the Mayor for his approval. The Mayor shall return such ordinance or resolution to the City Council within ten days after receiving it. If he approve it he shall sign it, and it shall then take effect. If he disapprove it he shall specify his objections thereto in writing. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large on the journal of the City Council, and the City Council shall cause the same to be immediately published. The City Council shall, after five and within thirty days after such ordinance or resolution shall have been returned with the Mayor's disapproval, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than three fourths of all the members, the presiding officer shall certify that fact on the ordinance or resolution, and when so certified, it shall take effect as if it had received the approval of the Mayor; but if the ordinance or resolution shall fail to receive, upon the first vote thereon after its return with the Mayor's disapproval, the affirmative votes of three fourths of all the members, it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the journal; *provided*, that the provisions of this section shall not apply to cities in which the Mayor is a member of the City Council, or other governing body.

Objections.

Passage on reconsideration by three-fourths vote.

Exception.

"Municipality" and "city" defined.

"City Council."

SEC. 2. The word "municipality," and the word "city," as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

SEC. 3. The term "City Council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

SEC. 4. In municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees, or other chief executive officer of the municipality. Cities having no Mayor.

SEC. 5. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts in conflict with this Act are hereby repealed.

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### CHAPTER CXXX.

*An Act relating to the granting by counties and municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.*

[Approved March 27, 1897.]

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

SECTION 1. The legislative or other body to whom is intrusted the government of any county, city and county, city, or town, may, under such regulations, restrictions, and limitations as it may provide, subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated, or depressed, on, over, across, or under the streets and public highways of any such county, city and county, city, or town, for the use of bicycles, tricycles, motor-cycles, and other like horseless vehicles, propelled by the rider, for a term not exceeding fifty years; *provided*, that in incorporated cities no franchise shall be granted for the purpose herein expressed, unless the consent in writing of the owners of a majority of the frontage upon the road or street along which said path or road is sought to be constructed, be first had and obtained and filed with such legislative or governing body. Franchises for roads for bicycles and horseless vehicles.

SEC. 2. This Act shall take effect immediately.

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### CHAPTER CXXXI.

*An Act to amend section twelve hundred and thirty-nine of the Political Code, relating to rules for determining question of residence.*

[Approved March 27, 1897.]

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

SECTION 1. Section twelve hundred and thirty-nine of the Political Code is amended so as to read as follows: Rules governing place of residence.

1239. The board of election, in determining the place of residence of any person, must be governed by the following rules, as far as they are applicable:

Rules governing place of residence.

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;

2. A person must not be held to have gained or lost residence by reason of his presence or absence from a place while employed in the service of the United States, or of this State, nor while engaged in navigation, nor while a student at any institution of learning, nor while kept in an almshouse, asylum, or prison;

3. A person must not be considered to have lost his residence who leaves his home to go into another State, or precinct in this State, for temporary purposes merely, with the intention of returning;

4. A person must not be considered to have gained a residence in any precinct into which he comes for temporary purposes merely, without the intention of making such precinct his home;

5. If a person remove to another State with the intention of making it his residence, he loses his residence in this State;

6. If a person remove to another State with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period;

7. The place where a man's family resides must be held to be his residence; but if it be a place for temporary establishment for his family, or for transient objects, it is otherwise;

8. If a man have a family fixed in one place, and he does business in another, the former must be considered his place of residence; but any man having a family, and who has taken up his abode with the intention of remaining, and whose family does not so reside with him, must be regarded as a resident where he has so taken up his abode;

9. The mere intention to acquire a new residence, without the fact of removal, avails nothing; neither does the fact of removal, without the intention.

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

## CHAPTER CXXXII.

*An Act relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof.*

[Approved March 27, 1897.]

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

Salaries of officers of fire departments in cities of first class.

SECTION 1. In municipalities of the first class the following officers of its fire department shall receive the following salaries per annum:



Chief engineer, five thousand dollars.

Assistant chief engineer, three thousand six hundred dollars.

Secretary, or clerk, three thousand dollars.

Assistant engineers, two thousand one hundred dollars each.

Veterinary surgeons, one thousand eight hundred dollars.

Said salaries shall be paid in the same manner as is now provided by law.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXXXIII.

*An Act to amend section three thousand four hundred and ninety-three of the Political Code of the State of California, relating to the dissolution of swamp land or reclamation districts.*

[Approved March 27, 1897.]

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

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

3493. An action may be brought by the Attorney-General, in the name of the people of this State, upon his own information or upon the complaint of a private party, for the dissolution of a swamp land or reclamation district for a non-user of its corporate powers. In such action the complaint and summons may be served personally upon a majority of the trustees of such district, or upon the president of the board of trustees. If two or more districts have been formed to include all or a portion of the same lands, they may all be joined in the same action. In any such action, when service of summons has been made upon the defendant or defendants, and the defendant or defendants have appeared or default been entered, the court, upon the application of any of the parties, shall thereupon enter an order fixing a day for hearing, which shall not be less than twenty-five days from the date of the order, and shall, also, enter an order directing notice by publication to be given by the clerk to all persons interested in said district or districts, either as owner or owners of land in said district or districts, or creditors of said district or districts, or otherwise, requiring them to be and appear on the day fixed for the hearing of said cause, if any they have, why the district or districts named in the complaint, as defendant or defendants, should not be dissolved. The court shall order the notice to be served by publication in some newspaper of general circulation published in the county where the district or districts are situated, for a period of not less than twenty days. On the day fixed for a hearing, or some later date to which the cause may be continued, the court may pro-

Attorney-General may bring an action for dissolution of reclamation district.

Date of hearing.

Notice.

ceed with the hearing, due proof having been first made of the service of the notice by publication for the length of time required by the order. Any person interested in the district or districts that is defendant or defendants shall, upon showing his interest, be allowed to file an answer or objections to the dissolutions of the defendant or defendants, and shall from the filing of said answer or objections become a party defendant, and be entitled to all the rights of a defendant in any civil action.

Vacancies.

Any vacancy in the board of trustees heretofore or hereafter caused by resignation, death, removal from the State, or otherwise, may be filled by the Board of Supervisors of the county in which the district is situated upon the application of any person or persons owning land in the district. The appointment of a trustee or trustees to fill a vacancy or vacancies shall not operate to destroy or remove any cause of action existing before such appointment or appointments were made, against the corporation or district for non-user of its corporate powers; *provided*, suit be commenced within one year after the passage of this Act. If upon the trial of any such action it be determined by the court:

When court shall enter decree.

1. That trustees have not been elected for said corporation within five years prior to the passage of this Act;

2. That the trustees have not within five years prior to the passage of this Act exercised any of the powers of a corporation, or performed any of the duties of trustees;

3. That the corporation is not in debt, or if in debt, that all claims are barred by the statute of limitations, the court shall then enter a decree dissolving the corporation, or make such further order as may be deemed necessary to protect the rights of all parties interested.

Sec. 2. This Act shall take effect from its passage.

#### CHAPTER CXXXIV.

*An Act to amend section three thousand four hundred and seventy-two of the Political Code of the State of California, relating to the formation of swamp land or reclamation districts.*

[Approved March 27, 1897.]

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

SECTION 1. Section three thousand four hundred and seventy-two of the Political Code of the State of California is amended so as to read as follows:

Formation of reclamation districts.

3472. Whenever any district, susceptible of one mode of reclamation, is entirely owned by parties who desire to reclaim the same, and to manage the reclamation without the intervention of trustees or the establishment of by-laws, they may file the petition provided for in sections thirty-four hundred

and forty-six and thirty-four hundred and forty-seven, and must state therein that they intend to undertake the reclamation on their own responsibility. The existence of a reclamation district formed to operate without the intervention of trustees shall not have the effect to prevent the owners of the land included in such district from forming a district to operate with trustees, and such owners may present to the Board of Supervisors the petition provided for in section thirty-four hundred and forty-six or in section thirty-four hundred and ninety-two, and the presentation of such petition shall be deemed an abandonment and surrender of the rights, immunities, and privileges conferred upon such owners or their predecessors or predecessor in interest in such land by the creation of such original district.

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

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CHAPTER CXXXV.

*An Act to amend section one thousand two hundred and thirty-eight of the Penal Code, relating to appeals by the people.*

[Approved March 27, 1897.]

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

SECTION 1. Section one thousand two hundred and thirty-eight of the Penal Code is hereby amended so as to read as follows:

1238. An appeal may be taken by the people:

1. From an order setting aside the indictment or information;
2. From a judgment for the defendant on a demurrer to the indictment or information;
3. From an order granting a new trial;
4. From an order arresting judgment;
5. From an order made after judgment, affecting the substantial rights of the people;
6. From an order of the court directing the jury to find for the defendant.

When an appeal by the people may be taken.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXXXVI.

*An Act amending section seven hundred and sixty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of the Boards of Trustees of certain cities.*

[Approved March 27, 1897.]

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

SECTION 1. Section seven hundred and sixty-four of 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:

Powers of  
Boards of  
Trustees  
of cities  
of fifth  
class.

Real  
estate.

Water and  
electric  
light  
works.

Bridges,  
streets,  
alleys, etc.

Section 764. The Board of Trustees of such city shall have power:

1. To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have any power to sell or convey any portion of any waterfront; but may rent such waterfront for a term not exceeding ten years for the purposes of erecting bath-houses thereon.

3. To contract for supplying the city with water and electric or other lights for municipal purposes; to purchase, lease, or construct waterworks, and electric plant, and all machinery, conductors, and appliances necessary therefor; and to supply said city with, and to sell to the inhabitants thereof, water, light, heat, and power; *provided*, that in all cases where the estimated total value or price of the waterworks or electric plant sought to be purchased, constructed, or leased, together with all machinery, appliances, and appurtenances necessary therefor, shall not exceed the sum of ten thousand dollars; no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city, in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election, shall vote in favor of such proposition.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated shade trees therein;

and generally to manage and control all such highways and places.

5. To establish, construct, and maintain drains and sewers. Sewers.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires. Fire apparatus.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; *provided*, that any member of the volunteer fire company in such city shall be exempt from such tax. Poll tax.

8. To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city. Dog license.

9. To levy and collect, annually, a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city. Property tax.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise. Business license.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow. Rivers and channels.

12. To erect and maintain buildings for municipal purposes. Buildings.

13. To permit under such restrictions as they may deem proper, the laying of railroad tracks and running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of, telegraph, telephone, and electric light lines therein. Railroad tracks.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards the Board of Trustees shall designate by ordinance the number of trustees to be elected from Ward divisions.

each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

**Police.** 15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

**Fines, etc.** 16. To impose fines, penalties, and forfeitures for any and all violation of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

**Violators of ordinances.** 17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

**Fire limits.** 18. To establish the fire limits with proper regulations.

**Other necessary acts, etc.** 19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXXXVII.

*An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays.*

[Approved March 27, 1897.]

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

**Estrays.** SECTION 1. Any person finding at any time any stray domestic animal or animals upon his premises or highways adjacent thereto may take up the same, and no person shall remove them from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered, except as hereinafter provided.

**To be recorded.** SEC. 2. Any person taking up an stray animal or animals shall confine the same in a secure place, and within five days file with the County Recorder of the county in which such stray is found, a notice containing a description of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. The County Recorder shall receive for filing said notice the sum of fifty cents.

**Fee.** SEC. 3. At any time within thirty days from the date of the filing of the notice specified in section two of this Act, any person claiming such stray animal or animals, shall appear before a

**How claim shall be established.**

Justice of the Peace of the township wherein said animal or animals were found, and make claim for such estray animal or animals. The justice shall enter such claim in his docket, and shall notify the taker-up; and within five days after the making of such claim, the justice shall hear the claim and such evidence as may be produced by either party, and shall determine the case according to the rights of the parties, both with reference to the ownership and possession of the estray animal or animals, and the compensation to be paid to the taker-up and the cost of the proceedings. Such compensation shall be estimated as follows:

Compensation, how estimated.

1. The total amount paid by the taker-up to the County Recorder.

2. The sum of fifteen cents per day for the keeping and care of each horse, mule, jenny, ass, cow, bull, ox, steer, or calf.

3. The sum of five cents per day for the care of each sheep, goat, hog, or other animal not hereinbefore specified.

The sum of one dollar shall be paid to the Justice of the Peace, by the party or parties making such claim, for each claim made and entered by him as aforesaid, which shall be in full compensation for all services rendered by him in connection with each claim so made.

Fees of Justice of the Peace.

SEC. 4. If the owner does not appear and claim the animal or animals taken up within thirty days after the filing of the notice hereinbefore mentioned, then the taker-up shall, in writing, notify a constable of the township in which said animal or animals are held, which notice shall specify that he has complied with all of the provisions of this Act, and that the owner of said animal or animals has failed to appear and claim the same as herein provided, and that such animal or animals are held by him subject to sale. Said constable shall immediately proceed to sell such animal or animals at public sale, in conformity with the law concerning sales on execution, and shall be entitled to the same fees as are provided by law for sales under execution.

Sale of estrays.

SEC. 5. Out of the money realized for the sale of estrays, the constable shall first retain his fees; he shall then pay to the taker-up his costs and expenses estimated as provided in section three of this Act, or so much thereof as the funds in his hands will permit, and the surplus, if any, he shall pay to the County Treasurer, to be held by him for the owner of the estray or estrays for which it was received in payment. If any person or persons shall, within one year thereafter, prove to the satisfaction of the Board of Supervisors of the county in which the estray or estrays were sold, that he or they are entitled to the sum so held by the County Treasurer, or any part thereof, the said Board of Supervisors shall order such sum to be paid over to such person or persons; and if not so proven within one year, then the same shall become a part of the common school fund of said county.

Disposition of money.

SEC. 6. All sales made by any constable, under the provisions of this Act, shall convey a good and valid title to the

title.

purchaser, and the owner of the estray so sold shall thereafter be barred from all right to recover the same.

Liability of  
taker-up.

SEC. 7. The taker-up of an estray animal or animals shall use reasonable care to preserve the same from injury, but if any estray animal or animals die or escape from the possession of the taker-up at any time before the expiration of the time specified in section three of this Act, the taker-up shall not be held liable in any manner on account of such animal.

City  
pounds.

SEC. 8. Nothing in this Act shall affect the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force.

SEC. 9. All other Acts and parts of Acts relating to estrays, now in force, are hereby repealed.

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

#### CHAPTER CXXXVIII.

*An Act to enable cities incorporated and operating under a charter framed under section eight, article eleven, of the Constitution, to abandon and annul such charter, and organize under general laws.*

[Approved March 27, 1897.]

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

Annul-  
ment of  
charters  
framed  
under Art.  
XI of the  
Constitu-  
tion.

SECTION 1. The Common Council, or other legislative body of any city in this State, operating under a charter framed under section eight, article eleven, of the Constitution, shall have power, and it shall be their duty, whenever a petition is presented to them, signed by one half of the qualified electors of such city, by ordinance, to submit to the qualified electors of such city at any general election, the question whether such city shall abandon such charter and reorganize under the general laws of the State providing for the organization, incorporation, and government of municipal corporations. Such election shall be called and held in accordance with the provisions of such charter for calling and holding elections, and if two thirds of such qualified electors voting at such election shall vote to abandon such charter and reorganize under the general laws of the State providing for the organization, incorporation, and government of municipal corporations, such city shall, from and after the thirtieth day after such election, cease to be organized under such charter, and such charter shall be superseded by said general laws, and organized thereunder. In case such proposition shall fail to receive the vote of two thirds of such electors, then the proposition for the abandonment of such charter and reorganization under the general laws shall not be again submitted for two years.



SEC. 2. All officers of such city shall continue in office, and their powers under said charter shall not cease, until officers shall have been elected and qualified under said general laws.

SEC. 3. This Act shall take effect immediately.

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CHAPTER CXXXIX.

*An Act to amend section two hundred and sixty-one of the Penal Code of the State of California, relating to the crime of rape, and what constitutes the same.*

[Approved March 27, 1897.]

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

SECTION 1. Section two hundred and sixty-one is hereby amended to read as follows:

261. Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under either of the following circumstances: Crime of rape, defined.

1. Where the female is under the age of sixteen years;
2. Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where she resists, but her resistance is overcome by force or violence;
4. Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anæsthetic substance, administered by or with the privity of the accused;
5. Where she is at the time unconscious of the nature of the act, and this is known to the accused;
6. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce such belief.

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CHAPTER CXL.

*An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work.*

[Approved March 27, 1897.]

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

SECTION 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the execution or performance of any building, excavating, or other mechanical How claims of materialmen shall be secured.

work, for this State, or by any county, city and county, city, town, or district therein, shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, Board of Supervisors, Board of Trustees, Common Council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers, or board, in a sum not less than one half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor, and at least two sureties, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, fails to pay for any materials or supplies furnished for the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the sureties will pay the same, in an amount not exceeding the sum specified in the bond; *provided*, that such claims shall be filed as hereafter required.

Filing of  
claims.

SEC. 2. Any materialman, person, company, or corporation, furnishing materials or supplies used in the performance of the work contracted to be executed or performed, or any person who performed work or labor upon the same, or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, shall, within thirty days from the time such work is completed, file with the commissioners, managers, trustees, officers, Board of Supervisors, Board of Trustees, Common Council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same has not been paid. At any time within ninety days after the filing of such claim, the person, company, or corporation filing the same may commence an action against the sureties on the bond, specified and required by section one hereof.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CXXI.

*An Act to amend section eleven hundred and eighty-seven of the Code of Civil Procedure, concerning the filing of mechanics' liens.*

[Approved March 27, 1897.]

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

Section eleven hundred and eighty-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

Filing of  
mechanics'  
liens.

1187. The owner of any property on which labor has been performed, or for which materials have been furnished to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any work mentioned in section eleven hundred and eighty-three of this Code, must, within

ten days after the completion thereof, or within forty days after cessation from labor upon any unfinished contract, or upon any unfinished building, improvement, or structure, or the alteration, addition to, or the repair thereof, file for record in the office of the County Recorder of the county, or city and county, in which such property or some part thereof is situated, a notice setting forth the date when such building, improvement, or structure, or the alteration, addition to, or repair thereof, was actually completed, or in case of cessation from labor for thirty days, the date on which such cessation actually occurred, and said notice shall also contain the name and the nature of the title of the person who caused the said building, improvement, or structure to be erected, or said alteration, addition to, or repair to be made, and also a description of the property sufficient for identification, and said notice must be verified by said owner or some other person in his behalf. In case any such owner neglect to file said notice as herein required, within the time herein required, then the said owner and all persons derailing title from him, and all persons claiming an interest in said property, shall be estopped, in any proceedings brought to foreclose any mechanics' lien or liens provided for in this chapter, from maintaining a defense therein based on the ground that said lien or liens have not been filed within the time provided in this chapter. Said notice, when so filed for record, must be recorded by the County Recorder with whom the same is filed for record, and the fee for recording the same shall be the sum of one dollar.

Notice must state what.

Neglect to file notice.

Fee for recording notice.

Every original contractor, at any time after the completion of his contract, and until the expiration of sixty days after the filing of said notice of completion or notice of cessation of labor by the owner, and every person, save the original contractor, claiming the benefit of this chapter, at any time after the completion of any building, improvement, or structure, or of the alteration, addition to, or repair thereof, and until the expiration of thirty days after the filing of said notice of completion or cessation, by said owner, or within thirty days after the performance of any labor in a mining claim, must file for record with the County Recorder of the county, or city and 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 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; *provided, however*, that in any event all claims of lien must be filed within ninety days after the completion of said building, improvement, or structure, or the alteration, addition to, or repair thereof. 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

Filing of claim.

Time in which claim must be filed.

completion as to prevent the filing of any lien; and in all cases the occupation or use of a 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, and cessation from labor for thirty days upon any contract or upon any 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.

## CHAPTER CXLII.

*An Act to amend sections nine hundred and twenty-five, nine hundred and twenty-eight of the Penal Code of the State of California, and to add a new section to said Code, to be known as section nine hundred and twenty-nine, relating to grand juries, their powers and duties.*

[Approved March 27, 1897.]

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

SECTION 1. Section nine hundred and twenty-five of the Penal Code of the State of California is hereby amended to read as follows:

Grand jury, when and from whom they may ask advice.

Duty of District Attorney.

Stenographic report.

Who may be present during sessions.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the District Attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The District Attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary. The grand jury, on the demand of the District Attorney, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to report the testimony that may be given in such causes in shorthand, and reduce the same afterward, upon the request of the said District Attorney, to longhand; a copy of the said testimony so taken must be delivered to the defendant in any such criminal cause upon the arraignment after indictment of the said defendant; the services of the said stenographic reporter is hereby constituted a charge against the county wherein the said grand jury may be impaneled. No other person other than above specified is permitted to be present during the session of the grand jury, except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions, or giving their votes upon any matter before them.

SEC. 2. Section nine hundred and twenty-eight of the Penal Code of the State of California is hereby amended to read as follows:

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records, and accounts of all the officers of the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, not to exceed five dollars per day, payable as other county charges. The judge, on impanelment of such grand jury, shall charge them specially as to their duties under this section; *provided*, that if any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury, the said comments shall not be deemed to be privileged.

Duty of grand jury relative to examination of books, etc.

SEC. 3. A new section is hereby added to the Penal Code of the State of California, to read as follows:

929. The grand jury, after having investigated the books and accounts of the various officials of the county, as in the foregoing section provided, may order the District Attorney of the said county to institute suit to recover any moneys that, in the judgment of the said grand jury, may from any cause be due the county, and the order of the said grand jury, certified by the foreman of the said grand jury, filed with the County Clerk of the said county, shall be full authority for the said District Attorney to institute and maintain any such suit.

Institution of suits for recovery.

SEC. 4. This Act shall take effect immediately.

### CHAPTER CXLIII.

*An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the forty-sixth fiscal year.*

[Approved March 27, 1897.]

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

SECTION 1. The sum of eight dollars and seventy-four cents is hereby appropriated to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the forty-sixth fiscal year (this account having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for deficiency, Clerk of the Supreme Court.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXLIV.

*An Act making an appropriation to pay the claim of "The Examiner," for advertising the constitutional amendments.*

[Approved March 27, 1897.]

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

Appropriation for claim of San Francisco Examiner.

SECTION 1. The sum of four thousand seven hundred and eighty-six dollars and fifty-six cents is hereby appropriated, to pay the claim of "The Examiner," for advertising the constitutional amendments (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXLV.

*An Act making an appropriation to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments.*

[Approved March 27, 1897.]

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

Appropriation for claim of James H. Barry.

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated to pay the claim of James H. Barry, publisher of the Star, for advertising the constitutional amendments (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXLVI.

*An Act making an appropriation to pay the claim of James McClatchy and Company, publishers of the Bee, for advertising the constitutional amendments.*

[Approved March 27, 1897.]

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

Appropriation for claim of Sacramento Bee.

SECTION 1. The sum of one thousand four hundred and forty dollars is hereby appropriated, to pay the claim of James McClatchy and Company, publishers of the Bee, for advertising

the constitutional amendments (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

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CHAPTER CXLVII.

*An Act making an appropriation to pay the claim of the Daily Report Publishing Co., for advertising the constitutional amendments.*

[Approved March 27, 1897.]

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

SECTION 1. The sum of two thousand and six dollars is hereby appropriated to pay the claim of the Daily Report Publishing Co., for advertising the constitutional amendments (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for claim of Daily Report.

SEC. 2. This Act shall take effect immediately.

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CHAPTER CXLVIII.

*An Act making an appropriation to pay the claim of the Herald Publishing Co., for advertising the constitutional amendments.*

[Approved March 27, 1897.]

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

SECTION 1. The sum of one thousand two hundred and fifty-five dollars and fifty cents is hereby appropriated to pay the claim of the Herald Publishing Co., for advertising the constitutional amendments (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for claim of Herald Publishing Co.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXLIX.

*An Act to add a new section to the Political Code, to be known as section three thousand two hundred and forty-seven, by adding a new section requiring the State and subdivisions of the State to give preference to goods manufactured or produced in the State when contracting for or purchasing goods or other property.*

[Approved March 27, 1897.]

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

SECTION 3247. A new section to be added to the Political Code, to read as follows:

Preference  
given to  
goods of  
local man-  
ufacture.

3247. Any person, committee, board, officer, or any other person charged with the purchase, or permitted or authorized to purchase supplies, goods, wares, merchandise, manufactures, or produce, for the use of the State, or of any of its institutions or offices, or for the use of any county or consolidated city and county, or city, or town, shall always, price, fitness, and quality equal, prefer such supplies, goods, wares, merchandise, manufactures, or produce as has been grown, manufactured, or produced in this State, and shall next prefer such as have been partially so manufactured, grown, or produced in this State. All state, county, city and county, city or town officers, all boards, commissions, or other persons charged with advertising for any such supplies, shall state in their advertisement that such preferences will be made. In any such advertisement no bid shall be asked for any article of a specific brand or mark nor any patent apparatus or appliances, when such requirement would prevent proper competition on the part of dealers in other articles of equal value, utility, or merit.

## CHAPTER CL.

*An Act to amend sections seven hundred and thirty-nine and seven hundred and sixty-nine and twenty-three hundred and fourteen of the Political Code, relating to officers of the Supreme Court and their salaries.*

[Approved March 27, 1897.]

*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 the Political Code is hereby amended to read as follows:

Salaries of  
officers of  
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.



One phonographic reporter, three thousand dollars, and one phonographic reporter, twenty-four hundred dollars.

One secretary of the court, twenty-four hundred dollars, and one secretary of the court, twelve hundred dollars.

Each bailiff, fifteen hundred dollars.

The librarian, fifteen hundred dollars.

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

769. The Supreme Court may also, in like manner, appoint two phonographic reporters for the court, to hold office at its pleasure. Extra reporters.

SEC. 3. Section twenty-three hundred and fourteen of the Political Code is hereby amended to read as follows:

2314. The Justices of the Supreme Court are hereby authorized to appoint a librarian for the Supreme Court library, who, under their direction, shall conduct its affairs and be responsible for its care. He shall receive the salary provided for in section seven hundred and thirty-nine of this Code. Librarian.

SEC. 4. This Act shall take effect immediately.

## CHAPTER CLI.

*An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure.*

[Approved March 27, 1897.]

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

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

963. An appeal may be taken to the Supreme Court, from a Superior Court, in the following cases: When appeal may be taken from a Superior Court.

1. From a final judgment entered in an action, or special proceeding, commenced in a Superior Court, or brought into a Superior Court from another court;

2. From an order granting or refusing a new trial, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties, and directs partition to be made;

3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the par-

tion, sale, or conveyance of real property, or settling an account of an executor, administrator, or guardian; or refusing, allowing, or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt claim, or legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser or appraisers setting apart a homestead.

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CHAPTER CLII.

*An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.*

[Approved March 27, 1897.]

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

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

Duty of justice or judge on appeals.

977. Upon receiving the notice of appeal, and on payment of the fees of the justice or judge, payable on appeal and not included in the judgment, and filing an undertaking as required in the next section, and after settlement or adoption of statement, if any, the justice or judge must, within five days, transmit to the clerk of the Superior Court, if the appeal be on questions of law alone, a certified copy of his docket, the statement as admitted or as settled, the notice of appeal, and the undertaking filed; or, if the appeal be on questions of fact, or both law and fact, a certified copy of his docket, the pleadings, all notices, motions, and all other papers filed in the cause, the notice of appeal, and the undertaking filed; and the justice or judge may be compelled by the Superior Court, by an order entered upon motion, to transmit such papers, and may be fined for neglect or refusal to transmit the same. A certified copy of such order may be served on the justice or judge by the party or his attorney. In the Superior Court, either party may have the benefit of all legal objections made in the Justice's or Police Court.

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CHAPTER CLIII.

*An Act to amend an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.*

[Approved March 27, 1897.]

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

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

Letting of contracts for lighting cities, etc.

Section 1. Before any city or town in the State of California shall enter into any contract for the lighting of its streets, or

public buildings, or other public places, the City Council or Trustees, or other governing body of such city or town, shall advertise for bids for such lighting, and cause a notice to be posted in three public places in the city or town, inviting sealed proposals for doing such lighting, referring to the specifications posted or on file. The advertisements for bids shall be published for ten days, in the newspaper designated by such city or town as its official paper, in which other legal notices, orders, and ordinances are required to be published, if there be any such official paper; but if there be no such official paper, then such advertisements for bids shall be published in any newspaper of general circulation designated by such City Council, Trustees, or other governing body; *provided*, that any city or town of less than ten thousand inhabitants may contract for street lighting at a price of ten dollars per month or less for each light of two thousand candle power without complying with the terms of this Act.

In cities  
under  
10,000 in-  
habitants.

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

#### CHAPTER CLIV.

*An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-eighth fiscal year.*

[Approved March 27, 1897.]

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

SECTION 1. The sum of three 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 postage, expressage, and contingent expenses of the Attorney-General, for the forty-eighth fiscal year.

Appropriation for  
deficiency,  
Attorney-  
General.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

#### CHAPTER CLV.

*An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-seventh fiscal year.*

[Approved March 27, 1897.]

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

SECTION 1. The sum of fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage,

Appropriation for  
deficiency,  
Attorney-  
General.

expressage, and contingent expenses of the Attorney-General, for the forty-seventh fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

#### CHAPTER CLVI.

*An Act making an appropriation to pay the deficiency in the appropriation for office rent of Attorney-General in San Francisco, for the forty-eighth fiscal year.*

[Approved March 27, 1897.]

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

Appropriation for deficiency, Attorney-General.

SECTION 1. The sum of four hundred and sixty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for office rent of the Attorney-General in San Francisco, for the forty-eighth fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

#### CHAPTER CLVII.

*An Act to amend sections three hundred and fifty, three hundred and fifty-one, and three hundred and fifty-four of the Penal Code of the State of California, relating to the punishment of counterfeiting trademarks, and the sale of goods bearing counterfeited trademarks, and other infringement of the rights of trademarks.*

[Approved March 27, 1897.]

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

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

Trade-marks, counterfeiting of.

350. Every person who willfully reproduces, copies, imitates, forges, or counterfeits, or procures to be reproduced, copied, imitated, forged, or counterfeited, any trademark usually affixed by any person to his goods, which has been duly recorded in the office of the Secretary of State, or with the Commissioner of Patents in the United States Patent Office, or

any label or brand, composed in whole or in part of a reproduction of said trademark, or who affixes the same to goods of essentially the same descriptive properties and qualities as those referred to in the registration of such trademark, with intent to pass off, or to assist other persons to pass off, any goods to which such reproduced, copied, imitated, forged, or counterfeited trademark, or label, or brand is affixed, or intended to be affixed, as the goods of the person, firm, company, or corporation owning the said trademark, is guilty of a misdemeanor.

SEC. 2. Section three hundred and fifty-one of the Penal Code of the State of California is hereby amended to read as follows:

351. Every person who sells, or keeps for sale, or manufactures or prepares, for the purpose of sale, any goods upon or to which any reproduced, copied, imitated, forged, or counterfeited trademark, or label, or brand, composed in whole or in part of such a reproduced, copied, imitated, forged, or counterfeited trademark, has been affixed, after such trademark has been recorded in the office of the Secretary of State, or with the Commissioner of Patents in the United States Patent Office, intending to represent such goods as the genuine goods of the person, firm, company, or corporation owning the said trademark, knowing the same to be reproduced, copied, imitated, forged, or counterfeited, is guilty of a misdemeanor.

Sale of goods under counterfeited trademark.

SEC. 3. Section three hundred and fifty-four of the Penal Code of the State of California is hereby amended to read as follows:

354. Every person who has in his possession, or who uses any cask, bottle, vessel, case, cover, label, brand, or other thing bearing, or having in any way connected with it, the trademark of another, which has been duly recorded in the office of the Secretary of State, or with the Commissioner of Patents in the United States Patent Office, or the trade name of another, for the purpose of disposing of any article other than that which such cask, bottle, vessel, case, cover, label, brand, or other thing originally contained, or is connected with by the owner of such trademark or trade name, with intent to deceive or defraud, is guilty of a misdemeanor.

Having in possession, etc.

## CHAPTER CLVIII.

*An Act providing for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged, by the wardens of state prisons.*

[Approved March 27, 1897.]

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

SECTION 1. Within thirty days prior to the expiration of the sentence of any convict confined in any state prison of this State the warden of such state prison shall forward to each

Photographs of convicts to be furnished.

Sheriff and Chief of Police of this State a photograph of such convict, together with a minute description of his person and marks of identification, together with a statement of the nature of the crime he is imprisoned for.

SEC. 2. Section one of this Act shall be construed so as to apply only to convicts who have served a prior term or terms in a state prison or house of correction.

SEC. 3. Any expenditure incurred in carrying out the provisions of this Act shall be paid for out of the appropriation made for the support of state's prisons.

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

## CHAPTER CLIX.

*An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits.*

[Approved March 27, 1897.]

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

Manner of locating and perfecting mining claims.

Posting notice.

SECTION 1. The location of mining claims upon the public domain of the United States shall be made and perfected as provided in this Act.

SEC. 2. The discoverer of any vein or lode shall immediately, upon making a discovery, erect at the point of discovery a substantial monument or mound of rocks, and post thereon a preliminary notice, which shall contain:

First—The name of the lode or claim;

Second—The name of the locator or locators;

Third—The date of the discovery;

Fourth—The number of linear feet claimed in length along the course of the vein each way from the point of discovery;

Fifth—The width claimed on each side of the center of the vein;

Sixth—The general course of the vein or lode, as near as may be;

Seventh—That such notice is a first or preliminary notice.

Recording notice.

Such notice shall be recorded in the office of the County Recorder of the county in which the same is posted within twenty days after the posting thereof. Upon the erection of said monument and posting such notice, the discoverer shall be allowed the period of time specified in section three of this Act to enable him to perfect his location as hereinafter provided.

SEC. 3. Within sixty days from the date of the discovery of a vein or lode, the discoverer must perform fifty dollars' worth of labor in developing his discovery, and distinctly mark his location on the ground so that its boundaries can be readily traced, and must file in the office of the County Recorder of the county in which the claim is situated, a certificate of location, which said certificate shall state:

Develop-  
ment  
work, etc.

Certificate  
of location  
shall state.

1. The name of the lode or claim;
2. The name of the locator or locators;
3. The date of discovery and posting of the notice provided for in section two of this Act, which shall be considered as the date of the location;
4. A description of the claim, defining the exterior boundaries as they are marked upon the ground, and such additional description by reference to some natural objects, or permanent monument, as will identify the claim.
5. A statement that such certificate is the final or completed notice of location, and that he has performed the aforesaid fifty dollars' worth of labor in development work thereon within the aforesaid sixty-day period, stating generally the nature thereof. Said certificate shall be dated and signed by or on behalf of the locator or locators, and verified by them or by some one in their behalf, and when filed for record shall be deemed and considered as prima facie evidence of the facts therein recited. A copy of such certificate of location, certified by the County Recorder, shall be admitted in evidence in all actions or proceedings with the same effect as the original. The performance of such labor shall be deemed a necessary act in completing such location and a part thereof, and no part thereof shall inure to the benefit of any subsequent location.

SEC. 4. The discoverer of placers or other forms of deposit, subject to location and appropriation, under mining laws applicable to placers, shall locate his claim in the following manner:

Placer  
locations.

First—He must immediately post in a conspicuous place at the point of discovery thereon a notice or certificate of location thereof, containing:

Notice of  
location  
to contain,  
what.

- (a) The name of the claim;
- (b) The name of the locator or locators;
- (c) The date of the discovery and posting of the notice, hereinbefore provided for, which shall be considered as the date of the location;

(d) A description of the claim by reference to legal subdivisions of sections, if the location is made in conformity with the public surveys; otherwise, a description with reference to some natural object or permanent monument as will identify the claim, and where such claim is located by legal subdivisions of the public surveys, such location shall, notwithstanding that fact, be marked by the locator upon the ground, the same as other locations.

Second—Within thirty days from the date of such discovery he must record such notice or certificate of location in the office of the County Recorder of the county in which such discovery

Recording  
notice.

is made, and so distinctly mark his location on the ground that its boundaries can be readily traced.

Work on claims.

Third—Within sixty days from the date of the discovery the discoverer shall perform labor upon such location or claim in developing the to an amount which shall be equivalent in the aggregate to at least ten dollars' (\$10) worth of such labor for each twenty acres, or fractional part thereof, contained in such location or claim.

Forfeiture.

A failure to perform such labor within said time, shall cause all rights under such location to be forfeited and the land covered thereby shall at once be open to location by qualified locators other than the preceding locators, but shall not in any event be open to location by such preceding locators, and any labor performed by them thereon shall not inure to the benefit of any subsequent locator thereof.

Affidavit of work done.

Fifth—Such locator shall, upon the performance of such labor, file with the Recorder of the county an affidavit, showing such performance, and generally the nature and kind of work so done.

Affidavit, etc., prima facie evidence.

SEC. 5. The affidavit provided for in the last section, and the aforesaid placer notice or certificate of location, when filed for record, shall be deemed and considered as prima facie evidence of the facts therein recited. A copy of such certificate, notice, or affidavit, certified by the County Recorder, shall be admitted in evidence in all actions or proceedings with the same effect as the original.

Locations void, unless.

SEC. 6. All locations of quartz or placer formations or deposits, hereafter made, which do not conform to the requirements of this Act, in so far as the same are respectively applicable thereto, shall be void.

Mining district records.

SEC. 7. No record of a mining claim or millsite, made after the passage of this Act, in the records of any mining district, shall be valid. All notices of location of mining claims, mill-sites, and other notices, heretofore recorded in such district records, if such notices conform to the local rules and regulations in force in such district, are hereby declared valid. Within thirty days after the passage of this Act the district recorder or custodian of the records of the several mining districts in this State, shall transmit to the County Recorders of the respective counties wherein the respective districts are situated, all the records of said respective districts, and thenceforward such County Recorder shall be deemed and considered the legal custodian of such records. Thereafter copies of such records, certified by the County Recorder, may be received in evidence with the same effect as the originals.

In effect.

SEC. 8. This Act shall take effect and be in force sixty days after its passage.



CHAPTER CLX.

*An Act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads.*

[Approved March 27, 1897.]

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

SECTION 1. Any incorporated city or town in this State may acquire, lease, purchase, and operate any gravel-bed or quarry within the county where such city or town is situated, and may equip and operate a plant at such gravel-bed or quarry, or within such town or city, for the purpose of breaking, crushing, or otherwise preparing gravel or rock to be used in making, paving, improving, or repairing its streets. Any such city or town may acquire, lease, or purchase and maintain all necessary roads, rights of way, and tramways over which to transport gravel or rock from such gravel-bed or quarry to such city or town, and all necessary appliances for that purpose.

Municipal corporations may acquire gravel-beds and quarries.

SEC. 2. No money shall be expended or expense incurred for any of the purposes set forth in section one, unless the same is authorized at a regular meeting of the legislative body of such city or town, and by a vote of two thirds of the members thereof.

Two-thirds vote necessary.

SEC. 3. This Act shall not extend or enlarge any limitation upon municipal taxation or the expenditure of municipal funds, now existing by reason of state laws or city charters in any of the cities or towns of this State.

CHAPTER CLXI.

*An Act to amend section twenty-seven hundred and thirty-seven of the Political Code, relating to bridges and highways, and the construction of bridges over ditches and across highways.*

[Approved March 27, 1897.]

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

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

2737. Whoever obstructs or injures any highway, or diverts any watercourse thereon, or drains water from his land upon any highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of ten dollars for each day such obstruction or injury remains, and must be punished as pro-

Obstruction or injury to highways by drainage or seepage water.

vided in section five hundred and eighty-eight of the Penal Code. Any person, persons, or corporation who shall be storing or distributing water for any purpose, and shall permit the water to overflow or saturate, by seepage, any highway, to the injury thereof, shall, upon notification of the road commissioner of the district where such overflow or seepage occurs, repair the damages occasioned by such overflow or seepage; and should such repair not be made within a reasonable time by such person, persons, or corporation, said road commissioner shall make such repairs, and recover the expense thereof from such person, persons, or corporation, in an action at law. All persons excavating irrigation, mining, or draining ditches across public highways shall be required to bridge said ditches at such crossings, and upon neglect to do so, the road commissioner for that road district shall construct the same and recover the cost of constructing said bridge or bridges of such persons by action, as provided in this section; *provided*, that the Supervisors of any county may construct and maintain bridges over any and all ditches used exclusively for irrigation purposes, and which cross public highways in the county over which they have authority, and may, with the consent of the owners of such ditches, declare any and all such bridges to be public property, and maintain and keep the same in repair at the expense of such county. And whoever willfully injures any public bridge is hereby declared to be guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the county in a civil action; *provided further*, that every person who knowingly allows the carcass of any dead animal (which animal belonged to him at the time of its death) to be put or to remain within one hundred feet of any street, alley, public highway, or road in common use, and every person who puts the carcass of any dead animal within one hundred feet of any street, alley, highway, or road in common use, or who shall deposit on any highway any refuse or waste tin, sheet-iron, or broken glass, is guilty of a misdemeanor.

Supervis-  
ors may  
construct  
bridges.

Carcasses,  
refuse  
matter, etc.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CLXII.

*An Act to amend section three of an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, providing for the submission of the question of reincorporation of such corporations at special elections.*

[Approved March 27, 1897.]

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

SECTION 1. Section three of the aforesaid Act is hereby amended to read as follows:

Section 3. The Council, Board of Trustees, or other legislative body of any municipal corporation, may at any time cause

an enumeration of the inhabitants to be made, and in such manner and under such regulations as such body may, by ordinance, direct. If upon such enumeration it shall appear that such municipal corporation contains a sufficient number of inhabitants to entitle it to reorganize under a higher or lower class, the Common Council, Trustees, or other legislative body, shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified electors thereof, submit to the electors of such city or town, at the next general election to be held therein, or at a special election, which the legislative body of such municipal corporation may by ordinance call for that purpose, the question whether such city or town shall reorganize under the laws relating to municipal corporations of the class to which such city or town may belong. And thereupon such proceedings shall be had and election held, as provided in the general law for the organization, incorporation, and government of municipal corporations, and not inconsistent with the provisions of this Act. If a majority of the votes cast at such election shall be in favor of such reorganization, thereafter such officers shall be elected as are, or may be, at the time prescribed by law for municipal corporations of the class having the population under which such reorganization is had; and from and after the qualification of such officers, such corporation shall belong to such class.

Proceedings necessary to reincorporate municipalities.

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

### CHAPTER CLXIII.

*An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.*

[Approved March 27, 1897.]

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

SECTION 1. Section six of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Board of Supervisors to levy and collect assessments from the

Formation of protection districts.

property benefited, to pay the expenses of the same," approved March twenty-seventh, eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Survey to be made.

Section 6. Having acquired jurisdiction, as provided in section four hereof, the Board of Supervisors shall cause a survey of said contemplated improvement to be made, or adopt a survey already made; and a map of the survey must be adopted by such board, and thereafter such survey and map shall be the plans to be followed in making such improvements; *provided*, that at any time after the adoption of such survey and map, and before any commissioners' report of the assessment of benefits and award of damages has been finally adopted and confirmed by the Board of Supervisors, as provided for by section sixteen of this Act, said Board of Supervisors may rescind their action in adopting such survey and map, and may adopt others in place thereof, or, by the affirmative vote of not less than four fifths of all its members, said board may abandon its contemplated improvement and disorganize and abolish such protection district, in which case the preliminary expenses already incurred for advertising and surveying shall be a county charge.

Rescission of action.

Abandonment.

SEC. 2. This Act shall take effect immediately.

#### CHAPTER CLXIV.

*An Act to amend an Act entitled "An Act to provide a system of drainage for agricultural swamp and overflowed lands," approved March 3, 1881, by amending section nine thereof.*

[Approved March 27, 1897.]

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

Drainage of agricultural swamp and overflowed lands.

SECTION 1. Section nine of an Act to amend an Act entitled "An Act to provide a system of drainage for agricultural swamp and overflowed lands," approved March third, eighteen hundred and eighty-one, by amending section nine thereof, is hereby amended so as to read as follows:

Road overseer to have charge.

Section 9. All the ditches and drains constructed under the provisions of this Act shall be in charge of the road overseer through whose district such drains are constructed. The Board of Supervisors shall, at their meeting in December of each year, advertise for bids to keep all ditches and drains created under the provisions of said Act clean and free from all rubbish, and graded to the original established grade, for the period of one year. Said notice shall be given by publication in some paper of general circulation, published in said county, for at least two months before the monthly meeting of said board in January. At which time the bids for doing said work shall be opened and the contract awarded to the lowest responsible bidder, whose bid shall have been accompanied by a certified check

Supervisors to advertise for bids to do work.

for at least twenty-five per cent of his bid, and which shall be forfeited to the county if he shall fail, refuse, or neglect to file a bond, with two sufficient sureties, payable to said county, within ten days. Any bidder to whom any contract has been awarded, who shall fail, refuse, or neglect to file the bond required by this Act, shall be awarded to the next lowest responsible bidder, and so on until all bidders have had an opportunity of complying with their bid, and the certified check of each bidder who shall have an opportunity to take such contract shall be forfeited to the county, and each bidder except the first shall file his bond within ten days after receiving notice that he has been awarded the contract. If all the bidders shall fail, refuse, or neglect to file a bond and to complete said work, the board shall have power to enter into a contract with any responsible party without advertising; *provided*, they shall have no power to award the contract for a greater sum than twenty-five per cent more than the lowest bid received upon such advertisement. The amount of said contract shall be levied against the lands in accordance with the apportionment when such ditch was originally constructed, and shall be collected by the Tax Collector at the same time and in the same manner as the state and county taxes are collected.

Bidders  
and con-  
tracts, etc.

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#### CHAPTER CLXV.

*An Act making an appropriation for the contingent expenses of the Assembly for the thirty-second session of the Legislature.*

[Approved March 27, 1897.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the Assembly, thirty-second session of the Legislature, and the Controller of State is authorized to draw his warrant for the same, and the Treasurer of State is directed to pay the same.

Appropriation for contingent expenses of Assembly.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CLXVI.

*An Act to provide for an appropriation for the contingent expenses of the Assembly.*

[Approved March 27, 1897.]

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

Appropriation for contingent expenses of Assembly.

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the thirty-second session of the Legislature, and the Controller of State is authorized to draw his warrant for the same, and the Treasurer of State is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CLXVII.

*An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-third session the result of such investigation, and making an appropriation for the expenses of such commission.*

[Approved March 27, 1897.]

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

Voting machines.

SECTION 1. A special commission of three persons is hereby created for the purpose of examining, investigating, and testing voting machines, and reporting the result of such examination, investigation, and test, together with the opinion of such commission, and its recommendations, to the Legislature at its thirty-third session. Such commission shall consist of three persons, who shall not be members of the same political party, to be appointed by the Governor. The Governor shall issue a commission to each of the three commissioners.

Governor to appoint commission to examine and test.

Organization; duties.

SEC. 2. Such commissioners shall receive no salary for the performance of their official duties. Immediately after such commissioners shall have been appointed, or elected, and commissioned, they shall meet together, and organize, for the performance of the duties for which they were appointed or elected. They shall examine and investigate all voting machines offered for such examination, or investigation, and shall use all reasonable efforts to secure a personal examination of the largest possible number of such voting machines. They shall endeavor to ascertain the names and residences of the patentees, owners, or proprietors, of all such voting machines, and by correspond-

ence, or by advertisement, notify them of the appointment of such a commission, its powers and duties, and that they will examine such machine or machines, at such time, and at such place, as they shall therein specify.

SEC. 3. They shall be allowed to employ a clerk, at a cost not to exceed six hundred dollars, and may incur such other expenses as shall be necessary, which, together with the expense for such clerk, shall not aggregate more than one thousand dollars. Clerk, and salary.

SEC. 4. Thirty days before the meeting of the Legislature at its thirty-third session, such commission shall forward to each member of such Legislature entitled to sit at such session, a copy of its report. Such report shall contain the results of their investigation and examination; their opinion upon each machine tested; its applicability to our present elective system, and its possible defects. Such commission shall also in such report make such estimate as may be possible and they deem proper of the probable cost of one or more of such machines, and the saving, if any, which such purchase would effect over our present system of voting. Report.

SEC. 5. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purposes of this Act, to be expended by such commission, as herein provided. All claims against this appropriation must be presented to and allowed by the State Board of Examiners. Appropriation.

SEC. 6. This Act shall take effect immediately.

#### CHAPTER CLXVIII.

*An Act to amend section three of an Act entitled "An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration," approved April 1, 1876.*

[Approved March 29, 1897.]

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

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

Section 3. In the month of July, eighteen hundred and ninety-seven, and in the month of July in every year thereafter, there shall be held a meeting of all corporations heretofore created, or that may be hereafter created, under this Act, of which ten days' previous notice shall be inserted in at least one daily newspaper published in the municipality where said corporation is organized or established, at which meeting each insurance company, corporation, association, underwriter, agent, person, or persons doing a fire insurance business in said municipality, whether members of said corporation or not, Fire patrol, powers conferred upon corporations relative to support of.

shall have a right to be represented at such meeting, and shall be entitled to one vote. A majority of the whole number so represented shall have power to decide upon the question of sustaining the fire patrol organized by corporations heretofore created, or that may be hereafter created, under this Act, and fixing the maximum amount of expenses which shall be incurred therefor during the fiscal year next to ensue, which amount shall in no case exceed two per centum of the aggregate premiums returned as received, as provided in this section, and the whole of such amount, or so much thereof as may be necessary, may be assessed upon all insurance companies, corporations, associations, underwriters, agents, person, or persons who assume risks and accept premiums for fire insurance in said municipality, as hereinbefore mentioned, in proportion to the several amounts of premiums returned, as received by each, as hereinafter provided, and such assessment shall be collectible, by and in the name of said corporation, in any court of law in the State of California having jurisdiction, in such manner and at such time or times as said corporation may determine. In order to provide for the payment of persons employed by said corporation, and to maintain suitable rooms, and apparatus for saving life and property contemplated, said corporation is empowered to require a statement to be furnished, semi-annually, by all insurance companies, corporations, associations, underwriters, agents, or persons, of the aggregate amount of premiums received for insuring property in the municipality where said corporation is organized or established, for and during the six months next preceding the first day of July and the first day of January of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting or effecting such insurance in said municipality, and shall be handed to the secretary of said corporation heretofore created or hereafter to be created under the provision of this Act within ten days after the first day of July and the first day of January of each year. Said secretary shall, within the ten days aforesaid, by written or printed demand signed by him, require from every insurance company, corporation, association, underwriter, agent, or persons engaged in the business of fire insurance in the municipality where said corporation is organized or established, the statement hereinbefore provided for. Such demand may be delivered personally at the office of such insurance company, corporation, association, underwriter, agent, or person within said municipality, and every officer of such insurance company, corporation, association, and every such underwriter, agent, or person, who shall, for fifteen days after said demand, neglect to render the statement herein provided for, shall forfeit fifty dollars for the use of said corporation, and he shall also forfeit for its use twenty-five dollars in addition for every day he shall so neglect after the expiration of the said fifteen days, and such additional penalty may be computed and collected up to the time of the trial of any action brought for the recovery thereof. The penalty

Report of  
amount of  
premiums  
collected.

Secretary  
shall  
demand.

Penalty.



herein provided for may be sued for and collected, with costs, in any court of law within the State of California having jurisdiction, by and in the name of said corporation.

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

### CHAPTER CLXIX.

*An Act to amend an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State."*

[Approved March 29, 1897.]

*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 create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties of the State," approved March twenty-sixth, eighteen hundred and ninety-five, is amended so as to read as follows, viz:

Section 1. The Superintendent of Public Schools, or in consolidated cities and counties, the Superintendent of Common Schools, the County Treasurer, or in consolidated cities and counties, the City and County Treasurer, and the chairman of the Board of Supervisors, or in consolidated cities and counties, the Mayor, of each county, or consolidated city and county, and their successors in office, are hereby constituted a board of trustees of the public school teachers' annuity and retirement fund, to manage the same as hereinafter directed; said board shall be known as the public school teachers' retirement fund commissioners, and its members shall serve without extra compensation, and shall be liable on their official bonds for the performance of the duties imposed by this Act. It shall be the duty of the District Attorney of every county, or the City and County Attorney of every consolidated city and county, to attend to all suits, matters, and things in which the said board of commissioners may be legally interested, and to give his advice or opinion, in writing, whenever required by said board.

Sections two and four of said Act are hereby amended so as to read as follows, and to be known as section two of this Act, viz:

Section 2. The public school teachers' retirement fund commissioners shall organize as such board by choosing one of their number as chairman, and one as secretary. The County Treasurer, or in consolidated cities and counties, the City and County Treasurer, shall be ex officio treasurer of said retirement fund. Said board shall hold quarterly meetings on the third Saturday in January, April, July, and October of each year, at the office of the County Superintendent of Public Schools, or, in consolidated cities and counties, at the office of the Superintendent of

Common Schools. It shall biennially, at its meeting in January, select from its members a chairman and a secretary. A majority of its members shall constitute a quorum for the transaction of business. It shall report annually to the Board of Supervisors of the county, or consolidated city and county, the condition of said retirement fund, and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of said fund, and the amounts paid to each of them.

Quorum.

Annual report to Supervisors.

SEC. 3. A new section is hereby added to said Act, to be known as section three, and to read as follows, viz.:

Warrants to be issued to persons entitled.

Section 3. Said board of public school teachers' retirement fund commissioners shall issue warrants, signed by its chairman and secretary, to the persons entitled thereto, for the amounts of money ordered paid to such persons from said fund by said board, stating therein for what purpose such payment is made, and the treasurer shall pay such warrants on presentation. Said board shall keep a record of all its proceedings, and said record shall be open to public inspection. It shall, at each quarterly meeting, make a list of all persons, if any, entitled to payment out of the funds provided by this Act, and enter said list in a book to be kept by them for that purpose, to be known as the public school teachers' annuity and retirement fund book, which list shall be sworn to as correct by the chairman and the secretary of said board, and which shall be open to public inspection.

List of annuitants

Section five of said Act is hereby amended so as to read as follows, and to be known as section four of this Act, viz.:

Powers.

Payment of expenses.

Section 4. In addition to the powers hereinbefore granted to said board, it shall have the further power (1) to provide for the payment, out of the hereinafter described annuity fund, of necessary expenses, such as printing, stationery, and postage stamps; and in counties, or in consolidated cities and counties, where the number of those subject to the burdens of this Act is greater than two hundred, to employ a clerk at a salary not to exceed twenty-five dollars per month; (2) to make such needful rules and regulations for the transaction of its business, from time to time, as may be necessary.

Clerk.

Rules and regulations.

SEC. 5. A new section is hereby added to said Act, to be known as section five, and to read as follows, viz.:

Election of retirement committee.

Section 5. Those subject to the burdens of this Act in each county, or in each consolidated city and county, at a meeting called for that purpose by the Superintendent of Public Schools of such county, or by the Superintendent of Common Schools of such city and county, on the first Saturday in May following the creation of the fund hereinafter specified, shall elect by ballot five of their number, who shall constitute a committee on retirement. The members of said committee shall, immediately after their election, classify themselves by lot so that one shall serve for one year, two shall serve for two years, and two shall serve for three years; and thereafter, annually, at a meeting called in the same manner on the first Saturday in May, the successor or successors of the member or members of

Classification.

said committee whose term of office has expired, shall be elected for a term of three years; *provided, however*, that said committee shall always consist of at least one class teacher from some primary school, one from some grammar school, and one from some high school within the county, or consolidated city and county, whenever such election is possible.

Retirement committee must consist of.

SEC. 6. A new section is hereby added to said Act, to be known as section six, and to read as follows, viz.:

Section 6. The board of education of any incorporated city or town, and the board of trustees of any school districts outside of said city or town, shall refer all applications for retirement to said committee on retirement, or may, of its own motion, submit the name of any person or persons, whom it desires to have retired, to the said committee on retirement, and it shall thereupon be the duty of said committee to investigate the case and report to said board of education or board of trustees, whether or not said teacher should be retired, and the annuity to which said teacher is entitled, if entitled to any. At least three members of the said committee must concur in the report, if it be in favor of granting said annuity. This report of said committee shall be final. Said board of education, or board of trustees, shall thereupon certify and send this report to the public school teachers' retirement fund commissioners, who shall be bound by its decision.

Committee on retirement to investigate applications for retirement.

SEC. 7. A new section is hereby added to said Act, to be known as section seven, and to read as follows, viz.:

Section 7. In addition to the powers heretofore granted to said committee on retirement, it shall have the power (1) to subpoena and compel witnesses to attend and testify before it on all matters relating to the operation of this Act, and any member of said committee may administer an oath or affirmation to such witness in the form prescribed in courts of justice; (2) to make such rules and regulations for the transaction of its business as may from time to time be necessary.

Committee on retirement may subpoena witnesses, etc.

SEC. 8. Section three of said Act is hereby amended so as to read as follows, and to be known as section eight of said Act, viz.:

Section 8. (a) Any teacher who shall have served in the public schools of this State for a period of thirty years, as a teacher or school officer, and who shall have been subject to the burdens imposed by this Act for thirty years, shall be entitled to retire and to receive from the public school teachers' annuity and retirement fund the sum of thirty dollars (\$30) per month in counties, and fifty dollars per month in consolidated cities and counties, payable quarterly; and any teacher who shall have become incapacitated for performing the duties of a teacher, and who shall have been a contributor to the annuity fund for at least five years, shall be entitled to retire and to receive an annuity from the public school teachers' annuity and retirement fund equal to such proportion of the maximum annuity granted under this Act, as the time that he or she has been subject to the burdens imposed by this Act bears to the period of thirty years; *provided, however*, that any annuity

Qualifications for retirement.

Amount of annuity.

shall be suspended if its recipient return to service in the public schools, and any annuity less than two thirds of the maximum annuity shall cease if the committee on retirement constituted in section five of this Act shall, at any time, decide that its recipient has been restored to the capacity of performing the duties of a teacher, and has been reimbursed from the annuity fund at least the full amount of his or her contribution thereto; *provided further*, that such proportionate reduction shall not apply to those now employed in the public schools who shall have filed the notice hereinafter specified within ninety days after the passage of this Act in counties, or in consolidated cities and counties, where the provisions of the Act to which this Act is amendatory are now applicable, and within ninety days after the establishment of the fund hereinafter specified in all other counties, or consolidated cities and counties, and who shall have paid at the time of their retirement an amount equal to what they would have paid into the fund had they been contributing thirty years; *provided further*, that if a person cease to teach in any county, or city and county, where he or she has been subject to the burdens imposed by this Act, then after such person has taught in the public schools of this State for thirty years, he or she shall be entitled to retire and to receive from the public school teachers' annuity and retirement fund of the county, or consolidated city and county, to which he or she has contributed, an annuity equal to such proportion of the maximum annuity granted under this Act, as the time that he or she has been subject to the burdens imposed by this Act in such county, or city and county, bears to the period of thirty years; *and provided further*, that if any teacher shall be compelled, by reason of ill health, to retire from the profession of teaching after the expiration of five years and before the expiration of thirty (30) years of service in the public schools of this State, such retiring teacher, if a contributor to the annuity fund at the time of retirement, shall be entitled to as many thirtieths (30ths) of the full annuity as he or she has had years of service, by paying into the annuity fund the contributions to that fund corresponding to those years of service rendered at a time when or in a place where it was impossible to make such contributions by reason of the non-existence of an annuity fund.

Teachers of night schools.

(b) Teachers of evening schools receiving a salary of fifty dollars or less, shall be subject to one half its burdens and shall be entitled to one half of the benefits of this Act; *provided*, that any teacher who is employed both in a day and in an evening school shall be considered for the purposes of this Act to be employed in a day school only.

Sec. 9. A new section is hereby added to said Act, to be known as section nine, and to read as follows, viz.:

Pro rata division.

Section 9. If at the end of any quarter year there shall not be a sufficient amount of money in the "annuity fund" hereinafter described, to pay all warrants or demands of annuitants in full, then the money in that fund shall be divided pro rata

among them, and the sum received by each annuitant shall be in full discharge of all claims against said fund to that date.

SEC. 10. Section six of said Act is hereby amended so as to read as follows, and to be known as section ten of this Act, viz.:

Section 10. The public school teachers' annuity and retirement fund herein provided for, shall consist of the following, with the income and interest thereof: (I) Twelve dollars (\$12) per school year, of the salaries paid to all those subject to the burdens of this Act, in each county or consolidated city and county, shall be deducted from the warrants for salary, and paid by the treasurer of the county, or consolidated city and county, to the public school teachers' retirement fund commissioners of said county, or consolidated city and county; and it shall be the duty of the secretary of the board of education in every incorporated city or town, or consolidated city and county, and the secretary of the board of trustees of every school district outside of such city or town, or consolidated city and county, to note in each warrant the amount to be deducted by the treasurer; (II) All moneys received from gifts, bequests, and devises, or from any other source; (III) All money, pay, compensation, or salary forfeited, deducted, or withheld from the warrant or demand for salary of any teacher or teachers for and on account of absence from duty from any cause, which the board of education of every incorporated city or town, or the board of trustees of every school district outside of such city or town, may appropriate and set apart for the aforesaid fund; and said board of education, or boards of trustees, are hereby empowered to appropriate such moneys, or any part thereof, for such fund; *provided*, that in consolidated cities and counties, after the establishment of an annuity fund therein, it is hereby made the duty of boards of education to appropriate, monthly, at least one half of such moneys for such fund.

Annuity fund, how provided.

SEC. 11. A new section is hereby added to said Act, to be known as section eleven, and to read as follows, viz.:

Section 11. The public school teachers' annuity and retirement fund herein provided for shall be divided into two distinct funds, or accounts, (1) the permanent fund, and (2) the annuity fund.

Division of fund.

(1) The permanent fund:

A. The permanent fund shall consist of: (I) Twenty-five per cent of all contributions from those affected by this Act; (II) Twenty-five per cent of all gifts, bequests, or devises, unless otherwise ordered by the donor or testator; (III) Twenty-five per cent of all moneys deducted from the salary of teachers because of absence from duty.

Permanent fund.

B. When the permanent fund shall amount to the sum of fifty thousand dollars, then all moneys thereafter received shall go into the annuity fund, except such gifts, devises, or bequests as may be specially directed by its donor or testator to be placed in the permanent fund.

C. It shall be the duty of the public school teachers' retirement fund commissioners to invest the aforesaid permanent fund in interest-bearing bonds issued by the federal, state,

county, city and county, or municipal governments, and to apply the interest thereon as herein directed.

Annuity fund.

(2) The annuity fund:

A. The annuity fund shall consist of: (I) The income derived from the permanent fund; (II) All other moneys belonging to the public school teachers' annuity and retirement fund, not hereinbefore directed to be placed in the permanent fund; (III) All money in the fund provided for in the Act to which this is amendatory.

B. The annuity fund shall be the only one from which annuitants shall be paid.

Surplus.

C. If at the end of any fiscal year there remain any surplus in the annuity fund, said surplus shall be deposited by the public school teachers' annuity and retirement fund commissioners in any savings bank or savings banks designated by them.

Sec. 12. Section seven of said Act is hereby amended so as to read as follows, and to be known as section twelve of said Act, viz.:

Who shall be bound by this Act.

Section 12. This Act shall be binding (1) upon such public school teachers, and such other officers of the school department as possess teachers' certificates, who, after the passage of this Act, shall sign and deliver to the public school teachers' retirement fund commissioners, and to the secretary of the board of education of the incorporated city or town, or consolidated city and county, or to the secretary of the board of trustees of the school district in which they are employed, a notice in substantially the following form:

Form of notice.

\_\_\_\_\_, 189—.

To the Public School Teachers' Annuity and Retirement Fund Commissioners, of \_\_\_\_\_ County (or city and county):

You are hereby notified that I agree to be bound by, and desire to avail myself of; the provisions of the Act of the Legislature of the State of California, approved \_\_\_\_\_, eighteen hundred and ninety-seven, entitled "An Act to amend an Act approved March twenty-six, eighteen hundred and ninety-five, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State.'"

\_\_\_\_\_,  
Public School Teacher.

Who shall be bound by this Act.

*And provided*, that at least thirty teachers within the county, or consolidated city and county, have filed the notice hereinbefore set forth; *provided further*, that in all counties, or in consolidated cities and counties, when there is a less number of teachers than thirty, this Act shall be binding on all those who signify their intention of being bound thereby.

(2) In consolidated cities and counties it shall be binding upon all teachers elected or appointed to teach in the public schools of such consolidated cities and counties after the passage of this Act.

(3) Annuities heretofore granted under the provisions of the Act of which this Act is amendatory shall be continued for the same amount as heretofore paid; subject, however, to the conditions imposed by sections nine (9) and eleven (11) of this Act. Annuities continued.

SEC. 13. Section eight of said Act is hereby amended so as to read as follows, and to be known as section thirteen of this Act, viz.:

Section 13. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealed.

SEC. 14. Section nine of said Act is hereby amended so as to read as follows, and to be known as section fourteen of said Act, viz.:

Section 14. This Act shall take effect and be in force from and after its passage. In effect.

## CHAPTER CLXX.

*An Act requiring every corporation doing business in this State to pay their employes, and each of them, at least once in each and every month, the wages earned by such employe; to limit the defenses which may be set up by such corporation to assignments of wages, set-off or counter claims, or the absence of such employe at the time of making payment, and in case of such absence the wages are payable upon demand; to prohibit assignments of wages for the purpose of evading the provisions of this Act, and agreements to accept wages at longer periods than as herein provided as a condition of employment; to fix a penalty for this violation of the provisions of this Act by such corporation, and to provide for the disposition of any fines recovered from corporations violating the same.*

[Approved March 29, 1897.]

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

SECTION 1. Every corporation doing business in this State shall pay, at least once a month, each and every employe employed by such corporation, in transacting or carrying on its business, or in the performance of labor for it, the wages earned by such employe during the preceding month; provided, however, that if at the time of payment any employe shall be absent, or not engaged in his usual employment, he shall be entitled to said payment at any time thereafter upon demand. Corporations shall pay employes each month.

SEC. 2. A violation of any of the provisions of section one of this Act shall entitle each of the said employes to a lien on all the property of said corporation for the amount of their wages, which lien shall take preference over all other liens, except duly recorded mortgages or deeds of trust; and in any action to recover the amount of such wages, or to enforce said Violation entitles employe to a lien.

Also, attorney's fee. lien, the plaintiff shall be entitled to a reasonable attorney's fee, to be fixed by the court, and which shall form part of the judgment in said action, and shall also be entitled to an attachment against said property. An unrecorded deed shall be no defense to such actions.

Defense. SEC. 3. That on the trial of any action against such corporation for a violation of the provisions of this Act, such corporation shall not be allowed to set up any defense for a failure to pay monthly any employé engaged in transacting or carrying on its business the wages earned by such employé during the preceding month, other than the fact that such wages were not earned, except a valid assignment of such wages, a set-off or counter claim against the same, or the absence of such employé from his usual employment at the time of the payment of the wages so earned by him.

What may be set forth.

Assignment for evasion not valid. SEC. 4. No assignment of future wages, payable monthly under the provisions of this Act, shall be made to the corporation from which such wages are or may become due, to any person, on behalf of such corporation, for the purpose of evading the provisions of this Act, and all such assignments are hereby declared to be invalid.

An illegal agreement. SEC. 5. No corporation shall require, and no employé of such corporation shall make, any agreement to accept wages at longer periods than as provided in this Act as a condition of employment.

Wages to be paid in lawful money. SEC. 6. All wages earned by any employé engaged in the service of any corporation in this State shall be paid in lawful moneys of the United States, or in checks negotiable at face value on demand.

Penalty. SEC. 7. Any corporation violating any of the provisions of this Act shall be subject to a fine not exceeding one hundred dollars, or less than fifty dollars, for each violation, the same to be imposed by any court in this State having jurisdiction of offenses in which the penalty does not exceed a fine of one hundred dollars; said fine to be paid, by the judge or magistrate before whom a recovery may be had under the provisions of this Act, into the general fund of the treasury of the county in which said conviction may be had.

In effect. SEC. 8. This Act shall take effect and be in force from and after the first day of April, eighteen hundred and ninety-seven.



## CHAPTER CLXXI.

*An Act making an appropriation to pay the claim of Ernest Weyand, District Attorney of Colusa County, California, for moneys expended in behalf of the State of California, for foreclosing state school lands in Colusa County, State of California.*

[Approved March 29, 1897.]

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

SECTION 1. The sum of forty-one dollars and forty-eight cents is hereby appropriated out of any moneys belonging to this State not otherwise appropriated, to reimburse Ernest Weyand, District Attorney of the County of Colusa, State of California, for moneys expended by him in behalf of the State of California for foreclosing the interest of E. R. Perry and Joseph Burns, purchasers in and to delinquent state school lands in Colusa County, State of California. The claims of said Ernest Weyand having been regularly incurred and presented as required by chapter one, part three, title eight, of the Political Code, and there being insufficient money in the said fund out of which the said claim could be paid, to so pay them.

Appropriation to pay claim of Ernest Weyand.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of Ernest Weyand for the sum of forty-one dollars and forty-eight cents, and the State Treasurer is hereby directed to pay the same.

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

## CHAPTER CLXXII.

*An Act making an appropriation to pay the deficiency in the appropriation "to provide for the erection and operation of rock-crushing plants at the state prisons," etc.*

[Approved March 29, 1897.]

*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-four dollars and eighty cents is hereby appropriated to pay the deficiency in the appropriation "to provide for the erection and operation of rock-crushing plants at the state prisons," etc., for the claim of Otto Von Geldern (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for deficiency in rock-crushing plant.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CLXXIII.

*An Act to amend sections three hundred and fifty-four, fourteen hundred and eighty-nine, fourteen hundred and ninety-one, fourteen hundred and ninety-two, fourteen hundred and ninety-five, fourteen hundred and ninety-seven, fifteen hundred and one, fifteen hundred and three, and fifteen hundred and five, and to repeal sections fifteen hundred and four and fifteen hundred and six of the Political Code, relating to state normal schools.*

[Approved March 29, 1897.]

*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 California is hereby amended to read as follows:

State  
normal  
schools.

354. The normal schools at San José, at Los Angeles, and at Chico, and any normal school established by the Legislature of the State of California, after the first day of January, eighteen hundred and ninety-seven, shall be known as state normal schools, and shall each have a board of trustees, constituted as follows: The Governor and Superintendent of Public Instruction shall be ex officio members of each board, and the president of each school shall be ex officio a member of the local board of the school with which he is connected; *provided*, he shall have no vote upon any charges or complaints made against himself, or upon his own employment or retention in his place. There shall also be four other members of the local board for each normal school, whose terms of office shall be four years and who shall be appointed by the Governor, by and with the advice and consent of the Senate of the State of California. It shall be the duty of the Governor, on or before the first day of July, eighteen hundred and ninety-seven, to appoint four trustees as members of each of the local boards, one to serve for one year, one for two years, one for three years, and one for four years, and thereafter to fill vacancies in such board, the terms of service thereafter to be for four years, and to begin July first of each fourth year.

Boards of  
trustees,  
how con-  
stituted.

SEC. 2. Section fourteen hundred and eighty-nine of the Political Code of California is hereby amended to read as follows:

Powers  
and duties  
of boards  
of trustees.

1489. The powers and duties of each board of trustees are as follows:

Elect  
secretary.

1. 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;

Prescribe  
rules.

2. To prescribe rules for their government and the government of the school;

3. To prescribe rules for the report of officers and teachers of the school, and for visiting other schools and institutions;

Purchase  
supplies.

4. To provide for the purchase of school apparatus, furniture, stationery, and text-books for the use of pupils;

5. To establish and maintain model and training schools of the kindergarten, primary, and grammar grades, and require the students of the normal schools to teach and instruct classes therein; Establish training schools.

6. To elect necessary teachers upon their nomination by the president, fix their salaries, and prescribe their duties; *provided*, that after the teachers have served successfully and acceptably for a term of two years, their appointment thereafter shall be made for a term of four years at least, unless removed for cause, as hereinafter specified; Elect teachers.

7. To control and expend all moneys appropriated for the support and maintenance of the school, and all moneys received for tuition or donations; Control moneys.

8. To cause a record of all their proceedings to be kept, which shall be open to public inspection at the school; Keep a record of proceedings, etc.

9. To keep, open to public inspection, an account of receipts and expenditures;

10. To annually report to the Governor a statement of their transactions, and of all matters pertaining to the school; Make annual reports.

11. To transmit with such report a copy of the president's annual report;

12. 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. Revoke diplomas for cause.

SEC. 3. Section fourteen hundred and ninety-one of the Political Code of California is hereby amended to read as follows:

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. Each member shall be allowed his expenses in attending the meetings of the board, the bills to be audited the same as any bills for the maintenance of the school. Meetings of trustees.

SEC. 4. Section fourteen hundred and ninety-two of the Political Code of California is hereby amended to read as follows:

1492. There shall be a joint board of normal school trustees, to be composed of the members of the local boards of the several state normal schools. This board shall meet on the second Friday of April of each year, alternately at the different state normal schools. The first meeting after the passage of this Act shall be at Los Angeles; the second meeting at Chico, and the third at San José. Thereafter the places of meeting shall be in the order named above. A special meeting may be called by the Governor for the transaction of any urgent business affecting the welfare of any or all of the state normal schools. It shall be the duty of this joint board: Joint board of trustees.

1. To fill a vacancy in the presidency of any of the state normal schools, and to fix the salaries of the presidents of the several normal schools; *provided*, that no president of any normal school shall participate or vote upon the selection of a Places of meeting.  
Duties of joint board.  
Fill vacancy in presidency and fix salary.

president, or fix the salary of any president of any of the state normal schools;

**Sits as board of arbitration.** 2. To sit as a board of arbitration in matters concerning the management of each state normal school that may need adjustment;

**Dismiss teachers for cause.** 3. To dismiss a teacher from either of the state normal schools for good and sufficient cause after having been elected as designated under section fourteen hundred and eighty-nine of this Code;

**Prescribe text-books, course of study, and standard of admission.** 4. To prescribe a series of text-books for use in the state normal schools;

5. To prescribe a uniform course of study, and time and standard for graduation from the state normal schools;

6. To prescribe a uniform standard of admission for students entering the normal schools;

**Pass necessary regulations.** 7. The joint board shall also have the power to pass any general regulations that may be applied to all of the state normal schools, thus affecting their well-being;

**Mileage.** 8. Members in attending the meetings of the joint board shall receive mileage while in actual attendance upon the meeting, the same to be paid out of any appropriation made by the Legislature for that purpose;

**Secretary of joint board.** 9. The Superintendent of Public Instruction shall be the secretary of the joint board. The secretary shall keep a full record of all 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.

SEC. 5. Section fourteen hundred and ninety-five of the Political Code of California is hereby amended to read as follows:

**Teachers entitled to admission.** 1495. Teachers holding valid certificates to teach in any county in this State, may be admitted to any state normal school in the State.

SEC. 6. Section fourteen hundred and ninety-seven of the Political Code of California is hereby amended to read as follows:

**Pupils must become teachers.** 1497. Every person making application for admission as a pupil to the normal school must, at the time of making such application, file with the president of the school a declaration that he enters the school to fit himself for teaching, and that it is his intention to engage in teaching in the public schools of this State, or in the State or Territory where the applicant resides.

SEC. 7. Section fifteen hundred and one of the Political Code of California is hereby amended to read as follows:

**President's report.** 1501. The president 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. 8. Section fifteen hundred and three of the Political Code of California is hereby amended to read as follows:

**Diplomas.** 1503. First—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, diplomas of graduation, either from the normal department, the kindergarten department, or both.

Second—Said diploma from the normal department shall entitle the holder thereof to a grammar grade certificate from any City, City and County, or County Board of Education in the State. One from the kindergarten department shall entitle the holder to teach in any kindergarten in the State.

Entitle holders to, what.

Third—Whenever any City, City and County, or County Board of Education shall present to the State Board of Education a recommendation showing that the holder of a normal school diploma from the normal department has had a successful experience of two years in the public schools of this State, subsequent to the granting of such diploma, the State Board of Education shall grant to the holder thereof a document signed by the president and secretary of the state board, showing such fact. The said diploma, accompanied by said document of the state board attached thereto, shall become a permanent certificate of qualification to teach in any primary or grammar school of this State, valid until such time as said diploma may be revoked, as provided in subdivision thirteen of section fourteen hundred and eighty-nine of this Code.

Fourth—Upon presentation of the diploma and document referred to in section fifteen hundred and three, subdivision third thereof, to any City, City and County, or County Superintendent of Schools, said superintendent shall record the name of the holder thereof in a book provided for that purpose in his office, and the holder shall henceforth be absolved from the requirements of subdivision first of section sixteen hundred and ninety-six of this Code.

Fifth—Said diploma of graduation from any normal school in this State, when accompanied by a certificate granted by the faculty of the state university, showing that the holder thereof, subsequent to receiving said diploma, has successfully completed the prescribed course in the pedagogical department of the state university, shall entitle the holder to a high school certificate authorizing the holder to teach in any primary or grammar school, and in any high school in this State, except in those in which the holder would be required to teach languages other than English.

SEC. 9. Section fifteen hundred and four of the Political Code of the State of California is hereby repealed. Repealed.

SEC. 10. Section fifteen hundred and five of the Political Code of California is hereby amended to read as follows:

1505. The Superintendent of Public Instruction must visit each school from time to time, inquire into its condition and management, enforce the rules and regulations made by the board, require such report as he deem proper from the teachers of the school, and exercise a general supervision over the same. Duty of Superintendent of Public Instruction.

SEC. 11. Section fifteen hundred and six of the Political Code of California is hereby repealed. Repealed.

## CHAPTER CLXXIV.

*An Act amending section five hundred and thirty-four of the Political Code, relating to Superintendent of State Printing.*

[Approved March 29, 1897.]

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

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

Salaries of Superintendent of State Printing, and Deputy.

534. The annual salary of the Superintendent of State Printing shall be three thousand dollars. He may appoint a Deputy Superintendent of State Printing, who shall be a civil executive officer, and who shall receive a salary of two thousand four hundred dollars per annum.

SEC. 2. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid.

## CHAPTER CLXXV.

*An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof.*

[Approved March 29, 1897.]

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

Free public market.

SECTION 1. The Board of State Harbor Commissioners shall set apart, upon some convenient portion of the waterfront of San Francisco, a sufficient number of docks and piers, which must be contiguous to each other, for the reception of all perishable products, arriving by rail, boat, or other conveyance, including fruit, vegetables, eggs, poultry, game, dairy products, and fish, coming into San Francisco, and shall permit the sale of such products thereon, by or for account of producers only, under such regulations as may be prescribed by the said Harbor Commissioners and as the public convenience may require.

Docks and piers shall be convenient.

SEC. 2. The docks and piers so set apart for a free public market shall be as convenient as possible to that portion of the City and County of San Francisco in which the principal wholesale trade in perishable products is now carried on, and must be so situated as to be accessible to all watercraft ordinarily employed in carrying such products upon the waters of San Francisco Bay, and vessels so loaded shall have the preference in docking at said wharves over others not so engaged.

Assignment of docking room.

SEC. 3. Docking room at said piers shall be assigned without partiality to all vessels engaged in the transportation of such

products, and the space assigned shall be sufficient to permit such vessels regularly running upon a route to receive and discharge their entire cargoes of such products at such piers, if they so desire. The Harbor Commissioners shall construct car tracks to connect the docks and piers so set apart for the free public market with the belt railroad. For the use of these tracks the State Harbor Commissioners shall prescribe such regulations as public convenience may require, and fix the compensation to be paid by the companies making use of them for this purpose.

Car tracks,  
etc.

SEC. 4. The Harbor Commissioners must construct suitable tramways and tracks or other devices for the rapid conveyance of perishable products from car or boat or other conveyance, to the stalls in the free market, and operate the same.

Tramways.

SEC. 5. The Harbor Commissioners shall assign space within the free market to all producers of perishable products, under such regulations as the Harbor Commissioners may prescribe. No rental shall be charged for space in the free market. Any violation of this Act, or of the regulations made pursuant thereof, shall exclude the person or firm guilty of such violation from the privilege of selling in the free market, during the pleasure of the Harbor Commissioners, not exceeding one year in addition to any other penalty which may be incurred thereby.

No rental  
shall be  
charged.

Violation  
of Act;  
penalty.

SEC. 6. For the payment of the expenses of said free market the Harbor Commissioners may, in their judgment, so adjust the tolls as to provide the necessary revenue.

Expenses,  
how pro-  
vided for.

SEC. 7. The officers of said free market shall be a superintendent and assistant superintendent, who shall also be secretary, and such other employés as the State Board of Harbor Commissioners may appoint. The salary of all employés of said free market shall be fixed by the State Board of Harbor Commissioners.

Officers of  
free  
market.

SEC. 8. All officers and employés of any public market on the state property are officers and employés of the State, and shall qualify in the same manner as other employés, and give such bonds as the Harbor Commissioners may prescribe.

## CHAPTER CLXXVI.

*An Act to provide for the construction of a state highway or wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating crushed rock and granite or stone blocks for drains and culverts for same.*

[Approved March 29, 1897.]

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

SECTION 1. A public highway or wagon road shall be built from a point on the eastern limits of the City of Sacramento, to Folsom, in Sacramento County, as near as practicable along the

State  
highway  
between  
Sacra-  
mento and  
Folsom.

route of the present most direct line of county roads between those two points; *provided*, that before any work is done, or money expended on account of the construction thereof, the necessary legal right of way or title to the lands upon which such road is to be built shall first have been conveyed to the State of California.

Folsom  
Highway  
Commission-  
sion.

SEC. 2. Such road shall be built under the direction of three commissioners, who shall be known as the Folsom Highway Commissioners, and who shall be appointed by the Governor, and who shall be residents of Sacramento County, who shall hold office from the date of their appointment until the first day of January, eighteen hundred and ninety-nine, and who shall serve without compensation.

Shall be  
construct-  
ed, how.

SEC. 3. The highway or wagon road herein provided for shall be macadamized, be built according to the most approved methods of modern highway construction, be built along the most direct route available, and upon the easiest grades, with proper drains, culverts, and bridges, and shall be of such width, not to exceed twenty feet, as such commissioners shall deem expedient and within the means at their command.

Governor  
shall  
appoint.

SEC. 4. Immediately after the approval of this Act the Governor shall appoint the three Folsom Highway Commissioners herein provided for, and such commissioners shall proceed immediately to the survey and location of the road herein provided to be built, and to an estimate of its cost, and shall cause all work done upon said highway to be done either by contract or day's labor or both as they should deem best.

Folsom  
crushed  
stone to be  
used.

SEC. 5. The road herein provided for shall be built, so far as practicable, from broken or crushed stone or rock from the rock-crusher at the Folsom State Prison, and the State Prison Directors are hereby directed and authorized to supply such crushed or broken rock, together with the necessary granite or stone blocks for drains, culverts, or bridges, free of cost or charge, other than transportation, to the Folsom Highway Commissioners for the construction of such highway.

Report of  
cost at  
several  
stages of  
construction.

SEC. 6. The Folsom Highway Commissioners shall keep strict and accurate accounts of every item of expense paid, incurred, or contracted, on account of the construction of the road herein provided to be built, including the value of materials, work, or labor contributed or bestowed free of charge, and report to the Legislature of California, at its thirty-third session, the exact cost of the road and separately the cost of its grading, rolling, the value of the rock and top-dressing used, the cost of spreading the same, and the cost of re-rolling, and of each stage of its construction. This road shall be completed before such thirty-third session of the Legislature, and the same shall be exhibited to the members of such Legislature as a sample of modern and improved highway construction, and together with the detailed report of the commissioners, serve as a model and guide to the Legislature, in the consideration of necessary highway legislation.

Date of  
completion.

SEC. 7. This Act shall take effect immediately.



## CHAPTER CLXXVII.

*An Act to amend the Political Code of California by adding a new section, to be known as section twenty-six hundred and forty-four, relating to road commissioners.*

[Approved March 31, 1897.]

*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 of California, to be known as section twenty-six hundred and forty-four, to read as follows:

2644. No claim for labor performed in any road district shall be allowed by the Board of Supervisors unless the same be accompanied by a report showing where the labor was performed, the nature of the same, and the number of animals and the kind of implements used. But if said labor shall be performed under the direction of a foreman or timekeeper, said foreman's or timekeeper's report shall cover all work performed under his direction, and shall be sufficient to warrant the payment of all claims for labor so performed. The Board of Supervisors shall have power, and it is hereby made its duty, to prescribe rules and blank forms, not inconsistent with the laws of this State, for the making of the reports herein required.

Report of labor on roads must accompany expense claims.

SEC. 2. This Act shall take effect from and after the first day of July, eighteen hundred and ninety-seven.

## CHAPTER CLXXVIII.

*An Act to amend an Act entitled an Act supplemental to an Act entitled "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, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act, approved March 25, 1893.*

[Approved March 31, 1897.]

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

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

Whenever a petition is presented to the board of directors of an irrigation district in this State, organized under the provisions of "An Act to provide for the organization and government

Acquisition and distribution of water for irrigation.

Abandonment of operations.

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 seventh, eighteen hundred and eighty-seven, commonly known as the Wright law, signed by a majority of the assessment-payers within said district, whose names appear upon the last preceding assessment roll of said district, asking for the abandonment of further operations by the district, the board of directors of said district shall call a special election, as provided in other cases for holding special elections in irrigation districts, at which the question of such abandonment of further operations by the district shall be submitted; *provided*, that no district shall take advantage of the provisions of this Act if there is any existing bonded indebtedness at the time of the presentation of such petition to said board.

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

#### CHAPTER CLXXIX.

*An Act to amend section six hundred and twenty-two of the Political Code of the State of California, relating to the retaliatory clause concerning insurance companies.*

[Approved March 31, 1897.]

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

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

Retaliatory charges imposed on foreign insurance companies.

622. When by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations, or prohibitions, are imposed on insurance companies of this State, doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed upon insurance companies of such other State or country doing business in this State. And whenever under this section any deposit of security shall be made in this State, such deposit shall be made in stocks or bonds of the United States Government, or in those of the State of California, or in interest-bearing bonds of any of the counties or incorporated cities and towns of the State of California not in default for interest on such bonds, which said securities must be estimated at not exceeding their par value nor their market value.

Character of deposits of security.

## CHAPTER CLXXX.

*An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.*

[Approved March 31, 1897.]

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

SECTION 1. An Act entitled an Act imposing a tax on the issue of certificates of stock of stock corporations, approved April one, eighteen hundred and seventy-eight, is hereby repealed. Tax on stock issues, repealed.

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

## CHAPTER CLXXXI.

*An Act to amend section eighteen hundred and eighty-five of the Political Code of the State of California, relating to form of bonds, when payable.*

[Approved March 31, 1897.]

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

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

1885. The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than twenty years from the date thereof. Form of bonds; when payable.

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

## CHAPTER CLXXXII.

*An Act making an appropriation to pay for the repairs and construction of buildings in Yosemite Valley, and for the improvement of the valley.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of eight thousand dollars (\$8,000) is hereby appropriated to pay for the repairs and construction of buildings in the Yosemite Valley, and for the improvement of Appropriation for repairs, etc., Yosemite Valley.

the valley; and the State Controller is hereby authorized to draw his warrant for the same; and the State Treasurer is directed to pay the same, on the order of the Commissioners to Manage Yosemite Valley and Mariposa Big Tree Grove.

SEC. 2. This Act shall take effect immediately.

### CHAPTER CLXXXIII.

*An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.*

[Approved March 31, 1897.]

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

County boards of horticulture.

Supervisors shall appoint

Duty of county boards of horticulture.

SECTION 1. Whenever a petition is presented to the Board of Supervisors of any county, and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees of any variety are infested with scale insects of any kind, injurious to fruit, fruit trees, and vines, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise the destruction of said scale insects, as herein provided, the Board of Supervisors shall, within twenty days thereafter, appoint a board of horticultural commissioners, consisting of three members, who shall be qualified for the duties of horticultural commissioner. Upon the petition of twenty-five resident freeholders and possessors of an orchard, the Board of Supervisors may remove any of said commissioners for cause, after a hearing of the petition.

SEC. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit packing-house, storeroom, salesroom, or any other place or articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs or larvæ, they shall notify the owner or owners, or person or persons in charge or in possession of the said places, or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or articles as aforesaid, that the same are infested with said insects, or other pests, or any of them, or their eggs or larvæ, and they shall require such person or persons to eradicate or destroy the said insects, or other pests, or their eggs or larvæ, within a certain time to be specified. Said notices may be served upon the person or persons, or either of them, owning, or having charge, or having possession of such

infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search, within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated, by eradicating or destroying said insects, or other pests, or their eggs or larvæ. The expense thereof shall be a county charge, and the Board of Supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this Act, and may be recovered by an action against such property and premises. A notice of such lien shall be filed and recorded in the office of the County Recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the District Attorney of the county, in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and, if not, into the court for his use when ascertained. The county board of horticultural commissioners is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner.

Infested places are public nuisances.

Abatement.

Expense a lien on property.

Action to foreclose lien.

SEC. 3. Said county boards of horticultural commissioners shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioners, for each of said districts. The State Board of Horticulture may issue commissions as quarantine guardians to the members of said county board of horticultural commissioners and to the local inspectors thereof. The said quarantine guardians, local inspectors, or members of said county boards of horticultural commissioners, shall have full authority to enter into any orchard, nursery, place or places where trees or plants are kept and offered for sale or otherwise, or any house, storeroom, salesroom, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Division of county into districts.

Powers of quarantine guardians.

County boards to report to State Board of Horticulture.

SEC. 4. It shall be the duty of said county board of horticultural commissioners to keep a record of their official doings, and to make a report to the State Board of Horticulture, on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Said board may publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

Salaries.

SEC. 5. The salary of all inspectors working under the county board of horticultural commissioners shall be two dollars and fifty cents (\$2.50) per day. In the case of the commissioners themselves, their compensation shall be four dollars per day, when actually engaged in the performance of their duties, and itemized necessary traveling expenses incurred in the discharge of their regular duties as prescribed in this Act.

Monthly report to Supervisors.

SEC. 6. It shall be the duty of the county board of horticultural commissioners to keep a record of their official doings and make a monthly report to the Board of Supervisors; and the Board of Supervisors may withhold warrants for salaries of said members and inspectors thereof until such time as said report is made.

Repealed.

SEC. 7. An Act entitled "An Act to protect and promote the horticultural interests of the State," approved March fourteenth, eighteen hundred and eighty-one, and certain Acts amendatory thereof, approved March nineteenth, eighteen hundred and eighty-nine, and March thirty-first, eighteen hundred and ninety-one, are hereby repealed.

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

#### CHAPTER CLXXXIV.

*An Act to amend section five hundred and ninety-nine of the Civil Code, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.*

[Approved March 31, 1897.]

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

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

599. *What may be provided for in their by-laws, etc.*

Corporations for purposes other than profit.

599. Corporations now organized or that may hereafter be organized for purposes other than profit, may, either in their by-laws, ordinances, constitutions, or articles of incorporation, provide for:

1. The qualification of members, mode of election or appointment, and terms of admission to membership;
2. The fees of admission and dues to be paid to their treasury by members;
3. The number of persons that shall constitute a quorum at any meeting of the corporation, and that an election of officers of the corporation by a meeting so constituted, or the appointment or selection of such officers, or any of them, in any manner required by the rules, regulations, or discipline of any specified religious denomination, society, or church, shall be as valid as if made at an election at which a majority of the members of the corporation were present and voted;
4. The expulsion and suspension of members for misconduct or non-payment of dues, also for restoration to membership;
5. A special method of organizing the board of directors, and a special method of increasing or diminishing the number of directors within the limits as to number prescribed by section five hundred and ninety-three of this Code;
6. Contracting, securing, paying, and limiting the amount of their indebtedness;
7. That the rules, regulations, or discipline, for the time being, of any specified religious denomination, society, or church, shall always be a part of their by-laws, ordinances, constitutions, or articles of incorporation;
8. Other regulations not repugnant to the Constitution or laws of the State and consonant with the objects of the corporation.

What by-laws, etc., may provide for.

## CHAPTER CLXXXV.

*An Act to amend section thirty-seven hundred and thirteen of the Political Code, relating to the levy of taxes.*

[Approved March 31, 1897.]

*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 as follows:

3713. The State Board of Equalization must, for State purposes for the forty-ninth and fiftieth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this State as, after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the forty-ninth fiscal year:

Tax levy for state purposes.

First—For the general fund, two million five hundred and fifty-three thousand six hundred and two dollars.

For forty-ninth fiscal year.

Second—For the school fund, two million three hundred and fourteen thousand nine hundred and sixty-three dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

For fiftieth fiscal year. And for the fiftieth fiscal year:

First—For the general fund, two million five hundred and fifty-three thousand six hundred and two dollars.

Second—For the school fund, two million three hundred and fourteen thousand nine hundred and sixty-three dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

CHAPTER CLXXXVI.

*An Act to amend section two thousand six hundred and forty-three of the Political Code, relating to the duties of Boards of Supervisors, respecting roads.*

[Approved March 31, 1897.]

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

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

Duties of Supervisors relative to roads.

2643. The Boards of Supervisors of the several counties of the State shall have general supervision over the roads within their respective counties. They must, by proper order:

Survey.

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided;

Record as highways.

2. Cause to be recorded as highways all highways which have become such by usage, dedication, or abandonment to the public, or by any other means provided by law, and to prepare and record proper deeds and titles thereto;

Abolish.

3. Abolish or abandon such as are not necessary;

Acquire right of way.

4. Acquire the right of way over private property for the use of public highways, and for that purpose require the District Attorney to institute proceedings under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the general road fund or the district road fund of the county;

Tax.

5. Levy a property tax for road purposes;

Guide-posts.

6. Cause to be erected and maintained, at the intersections and crossings of highways, guide-posts, properly inscribed;

Apportion road tax.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the County Treasurer in separate funds;

Audit claims.

8. Audit all claims on the funds set apart for highway purposes, and specify the fund or funds from which the whole or any part of any claim or claims must be paid;

May provide for gates.

9. In their discretion, they may provide for the establishment of gates on the public highways in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said



rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered;

10. For the purpose of watering roads in any part of the county, the Board of Supervisors may erect and maintain waterworks, and for such purpose may purchase or lease real or personal property. The costs for such waterworks and the watering of said roads may be charged to the general county fund, the general road fund, or the district fund of the district or districts benefited;

Watering roads.

11. Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling, or other work upon highways is necessary, and is to be done, and where the estimated cost of such work amounts to three hundred dollars, the Board of Supervisors must, by proper order, direct the County Surveyor to make definite surveys of the proposed work, and to prepare profiles and cross-sections thereof, and to submit the same, with the estimate of the amount or amounts of work to be done, and the cost thereof, and with specifications therefor. Said report shall be prepared in duplicate, one copy to be filed in the Surveyor's office, and the other to be filed with the clerk of the Board of Supervisors. The board, upon receipt of such report, must advertise for bids for the performance of the work specified. Such advertisement for bids must be published for two weeks in two newspapers, one published at the county seat and the other at a point nearest the proposed work. Such advertisement must be in the following form:

When the expense amounts to \$300.

“Office of the Clerk of the Board of Supervisors, \_\_\_\_\_ County, \_\_\_\_\_, 189—.”

Form of advertisement.

“Sealed bids will be received by the clerk of the Board of Supervisors of \_\_\_\_\_ County, at his office, until \_\_\_\_\_ o'clock, — M., \_\_\_\_\_, 189—, for \_\_\_\_\_, on \_\_\_\_\_, in \_\_\_\_\_ District, in \_\_\_\_\_ County.

“Specifications for this work are on file in the office of the said board, to which bidders are hereby referred.

“\_\_\_\_\_,”  
 “Clerk of the Board of Supervisors of the County of \_\_\_\_\_.”

And such advertisement must also be posted, for at least two weeks prior to the opening of the bids for the proposed work, in three conspicuous places in the district or districts in which the proposed work lies, and one at the site of the proposed work. Bids must be inclosed in a sealed envelope, addressed to the clerk of the Board of Supervisors, and must be indorsed, “Bids for \_\_\_\_\_,” and must be delivered to said clerk prior to the hour specified in the advertisement. The board shall publicly open and read such bids as may be submitted, and must award the contract for the work to the lowest bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected, and the work ordered done by the road com-

Posting advertisement.

Awarding of contract.

Payments  
on con-  
tracts.

Duty of  
County  
Surveyor.

Side walks  
and bicycle  
paths.

missioner or commissioners in whose district or districts the work may be situated. In case the work shall be let by contract, monthly or quarterly payments may be made thereon, upon the receipt of a certified estimate by the County Surveyor of the amount of work done during the preceding month or quarter, to the extent of seventy-five per cent of the value of said work, the remaining twenty-five per cent being due on the completion of the work. The services of the surveyor in making such partial estimates must be paid for by the contractor. Upon the completion of the work the County Surveyor must examine the same, and, if completed in accordance with the specifications therefor, he must submit to the Board of Supervisors a certificate, over his signature and official seal, to the effect that such work by the contractor therefor has been completed in accordance with the specifications therefor, and recommending its acceptance. The board shall thereupon audit the same, and direct its payment out of the proper fund or funds.

12. In their discretion they may set apart, on any public road or highway, a strip of land not exceeding six feet in width, for a side path; and make an order, designating the width of such path, and cause the line separating the path from the road to be located and marked by stakes or posts placed at such distances apart as they shall deem proper. After said path has been set apart and the line separating the same from the road has been located and marked, as aforesaid, the use of same is hereby restricted to pedestrians and riders of bicycles and other vehicles propelled solely by the power of the rider. The expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CLXXXVII.

*An Act to provide for the auditing and examination of the claims against the State, of soldiers who served in the Indian wars in California, during the years from 1847 to 1857, to authorize the Adjutant-General to appoint a clerk for that purpose, and making an appropriation for his salary.*

[Approved March 31, 1897.]

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

Board to  
audit and  
examine  
Indian war  
claims.

SECTION 1. The Treasurer of State, Comptroller, and Adjutant-General are hereby authorized and instructed to examine and audit any and all claims presented to them under the provisions of an Act of the Legislature entitled "An Act to be entitled an Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity,

and Monterey expeditions against the Indians," approved May third, eighteen hundred and fifty-two, and an Act entitled "An Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State," approved April twenty-fifth, eighteen hundred and fifty-seven, and report the result of such examination to the Governor on or before the thirty-first day of December, eighteen hundred and ninety-seven.

SEC. 2. The Adjutant-General is hereby authorized and empowered to appoint a clerk to assist in auditing and examining such claims. Such clerk shall be paid a sum not to exceed fifteen hundred dollars, as compensation, such sum to be paid in equal monthly installments. Clerk, and salary.

SEC. 3. The sum of fifteen hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of this Act. Appropriation.

SEC. 4. This Act shall take effect immediately.

#### CHAPTER CLXXXVIII.

*An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act.*

[Approved March 31, 1897.]

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

SECTION 1. The management of the California Home for the Care and Training of Feeble-Minded Children is hereby authorized, empowered, and directed to admit therein and thereto, in addition to imbeciles and feeble-minded persons, such idiots, epileptics, and mentally enfeebled paralytics, irrespective of age, as the accommodations of the home may permit, and as may, in the judgment of the management, appear suitable subjects for such admission, and upon such formal commitment as is now prescribed by law for the feeble-minded. But for each idiotic, imbecilic, feeble-minded, paralytic, or epileptic person thus committed to the said home, the Judge of the Superior Court who officiates shall make such order or orders as are requisite and proper to secure the payment by the county from which the applicant is committed, to the State Treasurer, of the sum of ten dollars (\$10.00) monthly for and during each and every month or part of a month the said applicant so committed remains an inmate of said institution. The superintendent of the said California Home for the Care and Training of Feeble-Minded Children shall, on or before the fifth day of each month, prepare, or cause to

Authorizing admission of idiots, etc., irrespective of age.

County must pay \$10 per month, each.

Superintendent of home to make report.

have prepared, a true and correct report of all inmates supported, cared for, trained, and educated in said institution for the preceding month, and whose support, care, training, and education in said home is herein provided for to be paid by the several counties from whence they came. This report shall give the names and residences of all such inmates aforesaid, together with the dates of their admission into the home, the department of the home in which they are retained, and the special grade of mental deficiency with which each one is afflicted. This report shall be acknowledged under oath, before a notary public or other public officer qualified to act in such cases, and shall be filed by copy in the offices of the State Board of Examiners, the Controller of State, and the Treasurer of State, but the said report so prepared and filed must not be printed, nor be used or permitted to be used for any other purpose than the special information and benefit of the officers above named. No person shall be deemed eligible for commitment to or admission into said institution unless they have been a resident of the State for the period of one year immediately preceding the date of their application. The board may cause the peremptory discharge from said institution of any person who has been an inmate or patient of said institution for the period of one month.

Non-residents ineligible.

Claims for expenses.

SEC. 2. All claims, excepting those for salaries, wages, and the contingent expense of the officers of the home, incurred on account of the regular support of said home, shall be presented monthly before the State Board of Examiners in the usual way, as now provided by law, and as the said State Board of Examiners may hereafter advise and direct, but the aggregate amount of all such claims, presented as aforesaid, shall not exceed, in any given month, the aggregate sum due the State for that month from the counties of this State for such inmates actually in the home, as provided for in section one of this Act.

Adjustment and payment of salaries.

SEC. 3. The State shall, by legislative appropriation, in the usual way and as now provided by law, provide for the payment of all salaries and wages of all officers and employes employed by said home, and for the payment of all traveling and other contingent expenses incurred by said officers of said home while attending to business belonging or appertaining solely to the home. But the salaries and wages herein provided to be paid by the State must not, in any event, exceed in amount such salaries or wages as the State pays for the same or for similar lines of work in the other public institutions of this State, and the State Board of Examiners are hereby authorized and directed to make such rescaling of all salaries and wages paid in said California Home for the Care and Training of Feeble-Minded Children, including those already provided for by law, and which provisions are hereby repealed, as may place said salaries and wages, in each and every particular, upon a parity with the salaries and wages paid in and by the other public institutions of this State for the same or for similar service; and where the service rendered is unlike, or widely different from any services rendered in any other public insti-

Duty of Board of Examiners.

tution of this State, then the said State Board of Examiners shall designate what shall be the just and proper remuneration for such particular and special service referred to, and the sum or sums so fixed by the said State Board of Examiners shall be the regular salary, wage, or compensation thereto belonging.

SEC. 4. The board of trustees of the said California Home for the Care and Training of Feeble-Minded Children, when the accommodations of the home permit (*and provided further*, that such action does not conflict with the interests or welfare of committed cases or applicants awaiting admission), may admit, for any stated period of time, without judicial commitment, such persons as are before and hereinafter specified as eligible for admission, upon such terms of special payment, gift, bequest, donation, legacy, transfer of real or personal property, or other lawful procedure, as may appear to them to be to the best interests of the State, and may, further, secure to the home, for the time such persons so admitted are inmates of the home, such revenue or compensation, as fully covers the actual cost to the home for all care, treatment, education, and support therein involved.

Board of Trustees may admit.

SEC. 5. Nothing in this Act must be construed as applying to, interfering with, or affecting the status of such inmates as may now be in the said California Home for the Care and Training of Feeble-Minded Children, under terms of life tenure, or such other inmates as may be deemed by the management as self-supporting by the value of their labor, or who may pay, or have paid for them, such sums of money as in the judgment of the management cover the cost of their support. But for all other cases the board of trustees of said home are authorized and directed to secure from the proper officers of the several counties from whence such inmates were committed or received, such arrangements for recommitment under the terms of this Act (or such other provision), as may secure against said inmates becoming a sole charge upon the State, and the said board of trustees are hereby further authorized to discharge, at their discretion, on or after July first, eighteen hundred and ninety-seven, any case whose support, etc., is unprovided for under the terms of this Act.

Not to interfere with status of certain inmates.

Support of other cases must be provided.

SEC. 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. The Controller of State is hereby authorized to draw his warrants in favor of the board of trustees of the said California Home for the Care and Training of Feeble-Minded Children, upon their presentation of claims in the usual manner on account of the supporting of the said home as herein provided for, and the Treasurer of State is hereby directed to pay the same.

Duty of Controller and Treasurer of State

SEC. 8. This Act shall take effect immediately.

## CHAPTER CLXXXIX.

*An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes.*

[Approved March 31, 1897.]

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

## ORGANIZATION.

Who may propose the organization of irrigation districts.

SECTION 1. A majority in number of the holders of title, or evidence of title, to lands susceptible of irrigation from a common source and by the same system of works, such holders of title, or evidence of title, representing a majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this Act. Said equalized assessment roll or rolls shall be sufficient evidence of title for the purposes of this Act.

Petition to the Board of Supervisors.

SEC. 2. In order to propose the organization of an irrigation district, a petition shall be presented to the Board of Supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth the boundaries of the proposed district, and shall state, generally, the source from which said lands are proposed to be irrigated, and the character of the works proposed to be acquired or constructed for irrigation purposes, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this Act. The petition must be accompanied with a good and sufficient undertaking, to be approved by said Board of Supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs, in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation 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; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When such petition is presented, said Board of

Must state, what.

Bond.

Publication of petition.

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 said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from a common source and 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 said board, be benefited by irrigation, by means of said system of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from the same source and system of works, may, upon his application, in the discretion of said board, have such lands included within said proposed district.

Hearing of  
petition.

SEC. 3. Upon such hearing of said petition, the Board of Supervisors shall determine whether or not said petition complies with the requirements of sections one and two of this Act, and for that purpose must hear all competent and relevant testimony offered in support or in opposition thereto. Such determination shall be entered upon the minutes of said Board of Supervisors.

Hearing of  
testimony.

SEC. 4. The right of appeal from said order to the Superior Court of the county where said petition is heard is hereby given to any person interested who is a party to the record; *provided*, that if more than one appeal be taken they shall be consolidated and tried together. Such appeal shall be taken within ten days after the entry of such order upon the minutes of the Board of Supervisors. The appeal shall be taken and heard in the same manner as appeals from Justices' Courts to the Superior Court, except as herein otherwise provided. Upon the appeal, the Superior Court may make and enter its judgment affirming, modifying, or reversing the order appealed from. Within ten days thereafter the Superior Court must cause its remittitur to issue to said Board of Supervisors, and if said order of the Board of Supervisors is modified or reversed, the judgment of the Superior Court and its remittitur shall direct the Board of Supervisors what order it shall enter. Such remittitur shall be filed by the clerk of the Board of Supervisors, and at the first regular meeting of the board thereafter, it shall cause to be entered in its minutes the order as directed by said Superior Court. The appeal herein provided for shall be heard and determined within thirty days from the time of filing the notice of appeal.

Right of  
appeal.

Remittitur

SEC. 5. If, on said final hearing, the boundaries of the proposed district are defined and established, said board shall 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 for each division by the electors thereof; *provided*, that if so requested in said petition, the board may order that there shall be only three divisions in said district, and that only three

Final  
hearing.

Division of  
district.

directors be elected, or that they be elected for the district at large.

ELECTION ON ORGANIZATION.

**Election on organization.** SEC. 6. 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 the boundaries so established, and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in 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 at said election. For the purposes of said election the Board of Supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the State, but no particular form of ballot shall be required.

**Officers to be elected.** SEC. 7. At such election there shall be elected a board of directors, and an assessor, tax collector, and treasurer; *provided*, that where a consolidation of officers as hereinafter provided for is deemed advisable in the organization of a district, the petitioners may request in their petition for organization such consolidation, and the Board of Supervisors calling the election shall in its order therefor announce such consolidation, and then only one person shall be elected to fill the several offices so consolidated.

**Qualifications of electors.** SEC. 8. No person shall be entitled to vote at any election held under the provisions of this Act unless he possesses all the qualifications required of electors under the general election laws of the State.

**Canvass of votes.** SEC. 9. The Board of Supervisors shall meet on the second Monday succeeding such election, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that at least two thirds of all the votes cast are "Irrigation District—Yes," said board shall, by an order entered on its minutes, declare the territory duly organized as an irrigation district, under the name theretofore designated, and shall declare the persons receiving respectively the highest number of votes at said election to be duly elected.

**Order to be filed with County Recorder.** SEC. 10. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the County Recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the



Board of Supervisors of each of said last-mentioned counties, and no Board of Supervisors of any county in which any portion of the lands embraced in such district are situated shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of such district shall be complete.

SEC. 11. Such election on organization may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the Superior Court of the county where the petition for organization is filed; *provided*, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this Act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the Board of Supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the Supreme Court within sixty days from the time of filing the notice of appeal.

SEC. 12. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such, upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively until their successors are elected and qualified.

#### DUTIES AND POWERS OF THE BOARD OF DIRECTORS.

SEC. 13. The directors of any district created after the passage of this Act, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this Act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

SEC. 14. 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; *provided, however*, that when the board consists of three members only, then in such case two shall constitute a quorum for the transaction of business, but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum. All records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in January of each and every year render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some paper published in the county where the office of the board of directors of such district is situated.

Publica-  
tion of  
financial  
condition  
of district.

General  
powers of  
directors.

SEC. 15. 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 employés as may be required, and prescribe their duties. The board and its agents and employés shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire, either by purchase or condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair, and improvements 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. But no purchase of any waters, or water rights, or canals, or reservoirs, or reservoir sites, or irrigation works, or other real property of any nature or kind, for any price in excess of ten thousand dollars shall be final or binding on the district, nor shall the purchase price thereof be paid, until a petition of a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said land, according to the last equalized assessment roll of the district, shall have been filed with the board and an order of the board made thereon confirming such purchase. 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 said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired

Acquisi-  
tion of  
lands,  
water, and  
water  
rights.

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. It shall be the duty of said board to establish equitable by-laws, rules, and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act.

SEC. 16. In case of condemnation proceedings the board shall proceed, in the name of the district, under the provisions of title seven, part three, of the Code of Civil Procedure.

Procedure upon condemnation.

#### WATER REGULATIONS.

SEC. 17. The use of all water required for the irrigation of the lands of any district formed under the provisions of this Act, or the Act of which this is supplementary or amendatory, 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.

Water regulations.

SEC. 18. 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.

Apportionment of water.

#### GENERAL ELECTIONS.

SEC. 19. An election shall be held in each irrigation district on the first Wednesday in February, eighteen hundred and ninety-nine, and on the first Wednesday in February in each second year thereafter, at which an assessor, a collector, and a treasurer, and directors for the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election shall be elected thereto. The assessor, collector, and treasurer shall each hold office from the first Tuesday in March next after, for two years, and until his successor is elected and qualified. 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, and execute the bond here-

General elections.

Officers to be elected.

Terms of office.

Bonds of  
officers.

inafter provided for. The assessor shall execute an official bond in the sum of five 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; *provided*, that the board of directors may, if it shall be deemed advisable, fix the bonds of the treasurer and collector, respectively, to suit the conditions of the district, the maximum amount of the treasurer's bond not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars; and the maximum amount of the collector's bond not to exceed twenty thousand dollars, and the minimum amount thereof not to be less than five thousand dollars. Each member of said board of directors shall execute an official bond in the sum of 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.

Organiza-  
tion of  
board of  
directors.

SEC. 20. On the first Tuesday in March next following their election, the directors who shall have been elected at the general February election, shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. And the directors of districts now organized, who shall have been elected at the general February election of eighteen hundred and ninety-nine, shall, on the first Tuesday in March next thereafter, when they meet to organize, first classify themselves by lot into two classes as nearly equal in number as possible. And the term of office of the class having the greater number shall be two years; and the term of office of the lesser number shall be four years. The full term of office of directors is hereby fixed at four years.

Notice of  
elections.

SEC. 21. 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 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,

Election  
officers.

designate the house or place within the precinct where the election must be held.

SEC. 22. The inspector is chairman of the election board, and may administer all oaths required in the progress of an election; and 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 general election laws concerning the form of ballots to be used shall not apply to elections held under this Act.

Powers and duties of election officers.

Time polls are open.

Form of ballots.

SEC. 23. 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 the general election laws of this State. As soon as all the votes are 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.

Voting, and counting of votes.

Canvass of votes.

SEC. 24. 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.

Duty of secretary.

What the records must show.

SEC. 25. 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: (a) The whole number of votes cast in the district, and in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector, and treasurer. The board of directors must declare elected the persons having the highest number of votes given for each office. 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.

Vacancies, how filled.

In case of a vacancy in the office of assessor, collector, or treasurer, the vacancy shall be filled by appointment of the board of directors; *provided*, that if said board of directors shall neglect or refuse to make such appointment within a period of forty days, then the Board of Supervisors of the county wherein the office of said board of directors is situated shall make such appointment. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the Board of Supervisors of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. 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.

Qualification of director.

SEC. 26. A director shall be a resident and freeholder of the irrigation district, but not necessarily of the division for which he is elected.

Consolidation of offices.

SEC. 27. The board of directors may, in its discretion, consolidate any two or more of the offices of assessor, collector, and treasurer. The order of consolidation must be made at least thirty days prior to general election of the district, and shall take effect at the next succeeding election; *provided*, that the board of directors may, at least thirty days before a general election of the district, where the offices have been consolidated, segregate the same, each office to be filled at such election.

Number of directors.

SEC. 28. In any district the board of directors thereof may, upon the presentation of a petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or

five directors, as said board may order, and they shall be elected by the district at large, or by divisions, as so petitioned and ordered; and after such order such directors shall be so elected.

## TITLE TO PROPERTY.

SEC. 29. 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.

Title to property.

## ISSUANCE OF BONDS.

SEC. 30. 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, and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board, when petitioned by a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said lands, according to the equalized assessment roll of the district, if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering the lands of such district, shall immediately 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 in the amount as set forth in said petition shall be issued. 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 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 cause bonds in said

Issuance of bonds.

Notice of election to be posted and published.

Ballots.

amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

**Bonds payable in series.** Sec. 31. All bonds issued under the provisions of this Act shall be payable in gold coin of the United States, in ten series, as follows, to wit: At the expiration of twenty-one years, five per cent of the whole number of said bonds; at the expiration of twenty-two years, six per cent; at the expiration of twenty-three years, seven per cent; at the expiration of twenty-four years, eight per cent; at the expiration of twenty-five years, nine per cent; at the expiration of twenty-six years, ten per cent; at the expiration of twenty-seven years, eleven per cent; at the expiration of twenty-eight years, thirteen per cent; at the expiration of twenty-nine years, fifteen per cent; and at the expiration of thirty years, sixteen per cent; that the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount and not for a percentage. Said bonds shall bear interest at the rate of five 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 place designated therein. 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. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively, 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, and shall also so state the number of the issue of which such bonds are a part. 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.

**Interest.**

**Denomination of bonds.**

**Other details.**

**Board may sell bonds.** Sec. 32. 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 three weeks, in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals



will be received by the board at their office, for the purchase of 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; *provided, however*, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof. Not less than par value.

SEC. 33. 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. Shall be paid by annual assessment.

#### ASSESSMENT FOR COMPLETION OF WORKS.

SEC. 34. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by levy of assessments therefor; *provided, however*, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Assessment for completion of works.

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, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions 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 "Assessment—Yes," or "Assessment—No," or words equivalent thereto. Special election.

If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record. Ballots.

## DUTIES OF THE ASSESSOR.

Duties of  
assessor.

SEC. 35. 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: (a) 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"); (b) 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; (c) 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; (d) the cash value of real estate, other than city or town lots; (e) the cash value of improvements on such real estate; (f) the cash value of city and town lots; (g) the cash value of improvements on city and town lots; (h) the cash value of improvements on real estate assessed to persons other than the owners of the real estate; (i) the total value of all property assessed; (j) the total value of all property after equalization by the board of directors; (k) such other things as the board of directors may require. Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

Property  
may be  
assessed  
for omis-  
sions.

Deputies.

SEC. 36. 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.

Compensa-  
tion.

Time for  
completion  
of assess-  
ment book.

SEC. 37. 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 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.

Time for  
equalizing  
assess-  
ments.

EQUALIZATION OF ASSESSMENT.

SEC. 38. 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 time to time, 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.

Equaliza-  
tion of as-  
sessments.

LEVY OF AND COLLECTION OF TAXES.

SEC. 39. The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and in any year in which any bonds shall fall due must increase said assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature. 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 be apportioned to the several proper funds.

Levy and  
collection  
of taxes.

In case of the neglect or refusal of the board of directors to cause such assessments and levies to be made as in this Act provided, then the assessment of property made by the County Assessor and the State Board of Equalization shall be adopted, and shall be the basis of assessment for the district, and the Board of Supervisors of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this Act, in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the collector or treasurer of the district to perform the duties imposed by law, then the Tax Collector and Treasurer of the county in which the office of the board of directors is situated must, respectively, perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

Duty of  
county  
officers.

SEC. 40. The assessment upon real property is a lien against the property assessed from and after the first Monday in March for any year, and the lien for the bonds of any issue shall be a preferred lien to that for any subsequent issue, and such lien is not removed until the assessments are paid, or the property sold for the payment thereof.

Lien upon  
real  
property.

Duty of collector relative to assessment.

SEC. 41. 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 county in which any portion of the district may lie, 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, which notice shall be published for the period of two weeks. 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 last Monday in December, at six o'clock P. M., 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.

When delinquent.

#### PUBLICATION OF DELINQUENT NOTICE.

Publication of delinquent notice.

SEC. 42. 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 the county in which the property delinquent is situated; *provided*, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. 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, within the district; *provided, however*, that if there should occur any error in the publication of the sale of the delinquent property, which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder, the collector shall at once republish the sale of the property affected by such error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, and stated in such republication.

Day of sale.

## SALE FOR DELINQUENT TAXES.

SEC. 43. 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. 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 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; *provided*, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; *and provided further*, that in any district where the validity of any assessment shall be in litigation at the time this Act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months.

Sale for delinquent taxes.

SEC. 44. 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 for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock A. M. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "Sold to the district," and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board; *provided*, that authority to so convey must be conferred by resolution of the board entered on its minutes, fixing the price at which such sale may be made,

Rights of owner of realty.

Resale in default of payment.

District may purchase.

and such conveyance shall not be made for a less sum than the reasonable market value of such property.

Certificate  
of sale.

SEC. 45. 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 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 is situated.

Record  
book of  
property  
sold for as-  
sessments.

SEC. 46. 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 with 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.

#### REDEMPTION OF PROPERTY SOLD FOR DELINQUENT TAXES.

Redemp-  
tion of  
property  
sold for  
taxes.

SEC. 47. 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; *provided*, that all land heretofore sold at delinquent tax sale under any of the provisions of an Act entitled "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 seventh, eighteen hundred and eighty-seven, or the Acts supplementary thereto or amendatory thereof, where deeds have not been made and delivered, or when such deed has been made to the district, and the district has not disposed of the same, may be redeemed at any time within six months from January twenty-seventh, eighteen hundred and ninety-seven. 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 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 the time herein provided, 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, Fee. for the use of the district, two dollars for making such deed.

SEC. 48. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is Tax deed prima facie evidence of what. prima facie evidence that: (a) The property was assessed as required by law; (b) the property was equalized as required by law; (c) that the assessments were levied in accordance with law; (d) the assessments were not paid; (e) at a proper time and place the property was sold as prescribed by law, and by the proper officer; (f) the property was not redeemed; (g) the person who executed the deed was the proper officer.

Such deed duly acknowledged or proved is (except as against actual fraud) Conclusive evidence. 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.

SEC. 49. The assessment book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person, or property, is Assessment book is prima facie evidence. 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.

SEC. 50. 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. Misnomer does not invalidate.

SEC. 51. 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: (a) An account of all his transactions and receipts since his last settlement; (b) 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. Settlements between secretary and collector.

## REDEMPTION OF BONDS, AND PAYMENT OF INTEREST.

Redemption of bonds and payment of interest.

SEC. 52. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the bond fund. Whenever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, 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 in the manner hereinbefore provided for the sale of bonds, 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 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 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.

## CONSTRUCTION OF WORKS.

Construction of works.

SEC. 53. After adopting a plan for such canal or canals, storage reservoirs, and works, as in this Act provided for, 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 such 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. 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 twenty-five per cent of 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.



SEC. 54. 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 each month, the amount of money in the county treasury, 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.

Payment  
of claims.Duty of  
County  
Treasurer.Duty of  
district  
treasurer.

SEC. 55. 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 employes, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes.

Shall be  
paid out of  
construction  
fund.May fix  
rates of  
tolls.

SEC. 56. 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 main-

Right of  
way.

tain 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.

## GOVERNING DIRECTORS.

**Compensation of directors.** **Of other officers.** SEC. 57. The directors, when sitting as a board, or acting under the orders of the board, shall each receive not to exceed three dollars per day, 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 all officers named in this 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 not less than twenty days nor more than forty 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.

**Directors not to be interested in contracts.** SEC. 58. 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 ASSESSMENTS.

**Special assessments.** SEC. 59. The board of directors may, at any time, when in their judgment it may be deemed 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 thirty 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.

**Rate of assessments, how ascertained.** SEC. 60. The rate of assessments levied under the provisions of this Act 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.

## INCURRING INDEBTEDNESS.

SEC. 61. 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, except that for the purposes of organization, or for any of the purposes of this Act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum.

Incurring indebtedness.

## GOVERNING THE USE OF WATER.

SEC. 62. 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.

When the volume of water is insufficient.

SEC. 63. 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.

Full capacity of ditches.

SEC. 64. 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.

Navigation nor vested rights not affected.

SEC. 65. 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

Right of eminent domain.

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.

EXEMPTION FROM TAXATION—CREATION OF FUNDS.

Exemption from taxation. Sec. 66. The rights of way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district, shall not be taxed for state and county or municipal purposes.

"Funds" created. Sec. 67. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned, to wit: Bond fund, construction fund, general fund.

GENERAL PROVISIONS.

Validity of bonds. Jurisdiction. Appeal. Sec. 68. The board of directors may, at any time after the issue of any bonds or the levy of any assessment herein provided for, bring an action in the Superior Court of the county wherein is located the office of such board, to determine the validity of any such bonds or such levy of assessments; such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds or assessments. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Assessment-payer may bring action. Sec. 69. If no such proceeding shall have been brought by the board of directors, then, at any time within thirty days after the levy of any assessment or issue of any bonds under the provisions of this Act, any district assessment-payer may bring an action in the Superior Court of the county where the office of the board of directors is located, to determine the validity of any such assessment or such bonds. The board of directors shall be made parties defendant, and service of summons shall be made on the members of the board personally. Said board shall have the right to appear and contest such action. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing of actions by the board to determine such matters.

Such appeal shall be heard and determined in the manner and within the time therein provided.

SEC. 70. If more than one action shall be pending at the same time concerning similar contests in this Act provided for, they shall be consolidated and tried together. Consolidation of actions.

SEC. 71. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this Act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any hearing or contest herein provided for, may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court. Court must disregard error, etc. Rules of pleading. Costs.

SEC. 72. No contest of any thing or matter herein provided shall be made other than within the time and manner herein specified. Time limitation.

SEC. 73. For any willful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the Superior Court of the county wherein the office of the board of directors of the district is located, by any assessment-payer of the district. Penalty for violation of duty?

#### EXCLUSION OF LANDS.

SEC. 74. The boundaries of any irrigation district now organized or hereafter organized under the provision of this Act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of said Act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district. Exclusion of lands.

SEC. 75. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included Petition of owners for exclusion of lands.

- within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the County Assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.
- Petition shall state, what.**      **Publica- tion of filing of petition.**      **What the notice shall state.**
- Sec. 76. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.
- Hearing of petition.**      **Failure, deemed assent.**
- Sec. 77. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.
- Expenses.**

SEC. 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause, in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which cannot be irrigated from, or which are not susceptible to, or would not, by reason of being permanently devoted to uses other than agricultural, horticultural, viticultural, or grazing, be directly benefited by the actual irrigation of the same from a common source; or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands of said district, or which are already irrigated, or entitled to be irrigated, from another source or by another system of irrigation works; but no lands included within the limits of any city or town, or which shall have been subdivided into town lots or blocks, shall be excluded under the provisions of this Act.

Decisions of board on hearing petition.

What lands may be excluded.

What may not be.

SEC. 79. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, or the decree of the Superior Court as hereinafter provided, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the County Recorder of the county wherein said lands are situated.

Assent of bondholders.

Released from lien.

Assent shall be recorded.

Change of boundaries of district to be recorded.

SEC. 80. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the Recorder's office of each county within which are situated any of the land of the district; but said district, notwithstanding such exclusion, shall be and remain an irrigation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Exclusion does not affect organization.

Office of director of excluded division made vacant.

SEC. 81. If the lands excluded from any district under this Act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the Board of Supervisors of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Division of district.

SEC. 82. At least thirty days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third, and so on, and one director shall be elected by each division. For the purposes of elections in such district, the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Rights of guardian, administrator, or executor.

SEC. 83. A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this Act mentioned, and may show cause, as in this Act provided, why the boundaries of the district should not be changed.

Lands excluded not released from liability for indebtedness.

SEC. 84. Nothing in this Act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said



lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

#### INCLUSION OF LANDS.

SEC. 85. The boundaries of any irrigation district now organized or hereafter organized under the provisions of this Act may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

SEC. 86. The holder or holders of title, or evidence of title, representing one half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous, and which, taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the County Assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges

Inclusion  
of lands.

Manner of  
procedure  
for inclu-  
sion of  
lands.

they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Notice of  
filing of  
petition,  
etc.

SEC. 87. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this Act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this Act.

Hearing of  
petition.

SEC. 88. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Condition  
precedent.

SEC. 89. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Decision of  
board of  
directors.

SEC. 90. The board of directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed, and if no person interested

in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

SEC. 91. If any person interested in said district, or the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed.

When board of directors may call election to change boundaries

SEC. 92. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said Act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Notice of election, etc.

Ballots.

SEC. 93. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Declaration of result.

SEC. 94. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the

Order of board to be recorded.

board, shall be filed for record in the Recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

**Minutes in evidence.** SEC. 95. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

**Rights of guardians, etc.** SEC. 96. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this Act mentioned, and may show cause, as in this Act mentioned, why the boundaries of the district should not be changed.

**Redivision of district.** SEC. 97. In case of the inclusion of any land within any district by proceedings under this Act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order redividing such district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third, and so on, and one director shall thereafter be elected by each division. For the purposes of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board may deem necessary.

#### REDUCTION OF BONDED INDEBTEDNESS.

**Reduction of bonded indebtedness.** SEC. 98. Whenever the board of directors of an irrigation district heretofore organized, or hereafter organized under the provisions of this Act, shall determine that the authorized bonded indebtedness of such irrigation district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

**Special election.** SEC. 99. Notice of the said election shall be given in the same manner as provided in section thirty of said Act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held, and the polling places, as established by said board of directors. The ballots cast at said election shall

**Ballots.**

contain the words "For reducing bonds—Yes," or "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the board of directors shall only be empowered to issue or sell such amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

SEC. 99½. In case there be outstanding bonds of any district desiring to take advantage of the provisions of this Act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section seventy-nine of this Act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of this Act, but not otherwise. No reduction of the bonded indebtedness, as in this Act provided, shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds.

Assent of  
bondholders.

#### LEASE OF WATER.

SEC. 100. Whenever any irrigation district, heretofore organized, or hereafter organized under the provisions of this Act, in the development of its works as by law provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled, for mechanical purposes not inconsistent with the provisions of said Act, the board of directors may lease the same, as in this Act hereinafter provided.

Lease of  
water.

SEC. 101. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in each county in which lands of the district are situated, for at least twenty days (*provided*, a newspaper is published therein, otherwise in any newspaper the board of directors may select), and, if the board thinks proper in such other newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Manner of  
procedure.

SEC. 102. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Same.

SEC. 103. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall

Rentals.

be payable semi-annually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this Act provided, shall be paid into the treasury, and be apportioned to such funds as may be deemed advisable.

Length of lease.

SEC. 104. The board shall have power, as in this Act provided, to execute a lease for any period not exceeding twenty-five years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Forfeiture.

Bond.

SEC. 105. Upon the letting of any lease, as in this Act provided, the board may require the lessee to execute a bond for the faithful performance of the covenants of said lease, or give such other evidence of good faith as in their judgment may be necessary.

#### DESTRUCTION OF UNSOLD BONDS.

Destruction of unsold bonds.

SEC. 106. Whenever there remains in the hands of the board of directors of any irrigation district heretofore organized, or organized under the provisions of this Act, after the completion of its ditch system, and the payment of all demands against such district, any bonds voted to be issued by said district, but not sold, and not necessary to be sold for the raising of funds for the use of such district, said board of directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Election.

SEC. 107. Such election shall be held in the same manner as other elections held under the provisions of this Act. A notice of such election shall be given in the same manner as provided in section thirty of this Act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling places as fixed by the board of directors. The ballots to be cast at such election shall contain the words "For destroying bonds—Yes," and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yes."

Ballots.

Two-thirds majority.

SEC. 108. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes cast should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed; and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.

## SAVING CLAUSES.

SEC. 109. Nothing in this Act shall be so construed as to affect the validity of any district heretofore organized under the laws of this State, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; but said districts are hereby made subject to the provisions of this Act so far as applicable; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge, for or upon which it was or might become liable or chargeable had not this Act been passed; nor shall it affect the validity of any bonds which have been issued but not sold; nor shall it affect any action which now may be pending.

SEC. 110. Nothing in 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, except such as may be contained in the Act, an Act entitled 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 seventh, eighteen hundred and eighty-seven, and the subsequent Acts supplementary thereto, and amendatory thereof, all of which Acts, so far as they may be inconsistent herewith, are hereby repealed.

SEC. 111. This Act shall take effect from and after its passage and approval.

## CHAPTER CXC.

*An Act to amend section one hundred and seventy of the Code of Civil Procedure.*

[Approved March 31, 1897.]

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

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

170. No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

1. To which he is a party or in which he is interested.
2. When he is related to either party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law.
3. When he has been attorney or counsel for either party in the action or proceeding.
4. When it appears from the affidavit or affidavits on file that either party cannot have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, said judge shall forthwith

Judicial officer may not sit, when.

secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding; *provided*, that in an action in the Superior Court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge, must be filed and served upon the adverse party, or the attorney for such party, at least one day before the day set for trial of such action or proceeding; *provided*, counter affidavits may be filed at least one day thereafter or such further time as the court may extend the time for filing such counter affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had. But the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the order of business, nor the power of transferring the action or proceeding to some other court, or the hearing upon such affidavits and counter affidavits.

Inapplicable to what.

## CHAPTER CXCI.

*An Act in relation to elections held under the authority of section eight, of article eleven, of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters.*

[Approved March 31, 1897.]

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

Provisions for holding charter elections. SECTION 1. Except in the particulars otherwise provided for in the Constitution, all elections held under the authority of section eight, of article eleven, of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, shall be conducted under the provisions of this Act.

Duty of boards of municipalities. SEC. 2. It shall be the duty of boards of municipalities charged with the conduct and carrying on of elections, to district and subdivide the municipalities into special election precincts, for the holding of the elections mentioned in section one of this Act, and to change and alter such precincts, and to redistrict the municipality for such elections as often as occasion may require.

Special election precincts. SEC. 3. In establishing such special election precincts, said board shall consolidate the precincts which existed for the holding of the last preceding general election, to a number not exceeding six for each special election precinct, and shall number the special election precincts so established consecu-



tively, and each precinct so established shall be known as "Special Election Precinct Number \_\_\_\_\_."

SEC. 4. All persons shall be entitled to vote at the elections mentioned in section one who come within the terms or comply with the requirements of this Act. Qualifications of electors.

SEC. 5. Every person who was a qualified elector at the general election immediately preceding the holding of any of the elections mentioned in section one of this Act, and who was upon the great register of the county, or city and county, where any such municipality is situated, as a qualified elector of any one of the precincts which compose a special election precinct, and who continues to reside within the exterior boundaries of such special election precinct until the time of the holding of the election herein provided for, shall be entitled to vote at said election without other or additional registration.

SEC. 6. All other persons claiming to be entitled to vote at any of the elections provided for in this Act must be registered upon the great register of the county, or city and county, within which such municipality is situated, as an elector of and within one of the precincts which compose the special election precinct wherein he claims to be entitled to vote. Such registration must take place at least fifteen days prior to the election; and it shall be the duty of the County Clerk of the county, or city and county, within which such municipality is situated, and in those counties or cities and counties wherein the County Clerk is not the officer charged with the duty of registering voters, then of the officer so charged, to keep his office open for fifteen days prior to the fifteenth day preceding any such election for the registration of voters who may desire to vote at such election. Registration necessary.

SEC. 7. The boards of said municipalities charged with the conduct of elections shall appoint a board of election for each special election precinct, to consist of two judges and two clerks, who shall apportion among themselves the work and labor required to conduct such election within their respective special election precincts. But one poll list need be kept, and but one register. These shall be returned to the proper officers as a part of the official returns. Election boards.

SEC. 8. The great register used in each special election precinct shall consist of a copy of the great register of the county, or city and county, used at the general election immediately preceding the holding of any election provided for in this Act, in the precincts which compose the special election precinct, together with a certified list of the persons who, by registration had since such general election, are entitled to vote at any of the elections herein provided for within the special election precinct for which such certified list is prepared. Said list shall be certified for the use of and delivered to the board of election of each special election precinct by the County Clerk of the county, or city and county, in which such municipality exists, and in those counties, or cities and counties, where an officer other than the County Clerk is charged with the duty or clothed with the authority for the registration of voters, then Great registers to be used.

by such officer. In the event that precinct registers were used at the last preceding election, then it shall be the duty of the County Clerk or the other officer aforementioned to furnish a copy of the precinct register of each of the precincts which compose said special election precinct to the board of election for each special election precinct, in addition to the supplementary list above mentioned.

Qualifica-  
tions of  
electors.

SEC. 9. No person shall be entitled to vote at any election provided for in this Act unless his name appear upon the great register or precinct register as a voter within the exterior boundaries of the special election precinct, or unless his name is enrolled upon the supplementary list herein provided for, nor unless, according to the Constitution and laws of this State, he is entitled to vote thereat.

Law  
applicable.

SEC. 10. The provisions of law which would be applicable to the elections mentioned in section one of this Act, but for the passage hereof, shall, nevertheless, control the said elections as to the matters for which no provision is herein contained.

SEC. 11. This Act shall take effect immediately.

## CHAPTER CXCII.

*An Act making an appropriation to pay the deficiency incurred by calling the National Guard of California into service, by order of the Governor, in 1894.*

[Approved March 31, 1897.]

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

Appropriation  
for  
deficiency  
for N. G. C.

SECTION 1. The sum of fifty-four dollars and seventy-five cents is hereby appropriated, to pay the expenses incurred by calling the National Guard of California into service, by order of the Governor, in eighteen hundred and ninety-four, to be paid to Peter Flaherty for meals furnished the National Guard (this claim having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXCIIL.

*An Act making an appropriation to pay the deficiency in the appropriation for pay of stenographer for the State Board of Railroad Commissioners, for services rendered by Frank H. Lombard.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of six hundred and twenty-seven dollars and ten cents is hereby appropriated to pay the claim of Frank H. Lombard, for services rendered to the State Board of Railroad Commissioners (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same. Appropriation to pay Frank H. Lombard.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXCV.

*An Act making an appropriation to pay the deficiency in the appropriation for the forestry stations for the forty-sixth fiscal year.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of eight hundred and ninety-nine dollars and thirty-seven cents is hereby appropriated to pay the deficiency in the appropriation for forestry stations for the forty-sixth fiscal year (this account having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same. Appropriation for deficiency, forestry stations.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXCV.

*An Act making an appropriation to pay the deficiency in the appropriation for care of state burial grounds, for services rendered by W. C. Farnsworth.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of eight dollars and ninety-nine cents is hereby appropriated to pay the deficiency in the appropriation for care of state burial grounds, to pay the claim of W. C. Farnsworth. Appropriation for deficiency, W. C. Farnsworth.

Farnsworth (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

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#### CHAPTER CXCVI.

*An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker for arrest and conviction of Ed. Ward.*

[Approved March 31, 1897.]

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

Appropriation for deficiency, George A. Parker.

SECTION 1. The sum of three hundred dollars is hereby appropriated to pay the claim of George A. Parker for the arrest and conviction of Ed. Ward (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

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#### CHAPTER CXCVII.

*An Act making an appropriation to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, to pay the claim of George A. Parker.*

[Approved March 31, 1897.]

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

Appropriation for deficiency, George A. Parker.

SECTION 1. The sum of one hundred dollars is hereby appropriated to pay the claim of George A. Parker, for the arrest and conviction of Charles Bentley of highway robbery (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXCVIII.

*An Act making an appropriation to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan, for attempted highway robbery.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of three hundred dollars is hereby appropriated to pay the claim of Edwin F. Ingles, for the arrest of F. J. Morgan, for attempted highway robbery (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for deficiency, Edwin F. Ingles.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CXCIX.

*An Act making an appropriation to pay the claim of Clarence S. Merrill, for services as reporter in a court of inquiry of the National Guard of the State of California.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of (\$1,131.60) eleven hundred and thirty-one dollars and sixty cents is hereby appropriated to pay the claim of Clarence S. Merrill, for services rendered as reporter in a court of inquiry of the National Guard of the State of California (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation to pay claim of Clarence S. Merrill.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CC.

*An Act making an appropriation to pay the claim of Wm. Macdonald, for expenses incurred in the funeral of Governor Jones, of Nevada.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of two hundred and thirty-four dollars and twenty cents is hereby appropriated to pay the claim of Wm. Macdonald, for funeral expenses incurred in turning out

Appropriation to pay claim of Wm. Macdonald.

the troops on the death of the late Governor Jones, of Nevada (this expense having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER CCL.

*An Act making an appropriation to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall, for attempted highway robbery.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of E. H. Daggett.

SECTION 1. The sum of three hundred dollars is hereby appropriated to pay the claim of Earl H. Daggett, for the arrest of Daniel McCall, for attempted highway robbery (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

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## CHAPTER CCII.

*An Act making an appropriation for the payment of the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire, for attempted highway robbery.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of A. J. Bogard.

SECTION 1. The sum of three hundred dollars is hereby appropriated to pay the claim of A. J. Bogard, administrator of the estate of J. J. Bogard, deceased, for the arrest of Samuel McGuire for attempted highway robbery (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCIII.

*An Act making an appropriation to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of three hundred dollars is hereby appropriated to pay the claim of W. N. Hendricks, for the arrest of John Keener for attempted highway robbery (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation to pay claim of W. N. Hendricks.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCIV.

*An Act making an appropriation to pay the claim of Cassasa's First Regiment Band, for music furnished for the funerals of the late Generals Dimond and McComb.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of two hundred and twenty dollars is hereby appropriated to pay the claim of Cassasa's First Regiment Band for music furnished for the funerals of the late Generals Dimond and McComb (this account having been approved by the State Board of Examiners).

Appropriation to pay claim of Cassasa's Band.

SEC. 2. The State Controller is hereby authorized to draw his warrant for the above amount, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCV.

*An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of fifty-five dollars is hereby appropriated to pay the deficiency in the appropriation for traveling expenses of the Board of Railroad Commissioners for the forty-

Appropriation for deficiency, Railroad Commissioners.

seventh fiscal year (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

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### CHAPTER CCVI.

*An Act making an appropriation to pay the claim of W. J. Deater, for publishing notice and summons in foreclosing interest of delinquent purchasers of state school lands.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of W. J. Deater.

SECTION 1. The sum of three hundred and ninety-six dollars and sixty cents is hereby appropriated to pay the claim of W. J. Deater, for publishing notice and summons in foreclosure suits (this account having been approved by the State Board of Examiners).

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

SEC. 3. This Act shall take effect immediately.

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### CHAPTER CCVII.

*An Act making an appropriation to pay the claim of Geo. A. Sturtevant, for costs of suits in foreclosing delinquent purchasers of state school lands.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of Geo. A. Sturtevant.

SECTION 1. The sum of three hundred and fourteen dollars and seventy-two cents is hereby appropriated to pay the claim of Geo. A. Sturtevant, for expenses incurred in foreclosing delinquent purchases of state school lands (the same having been approved by the State Board of Examiners).

SEC. 2. The State Controller is hereby authorized to draw his warrant for the sum herein made payable, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.



## CHAPTER CCVIII.

*An Act making an appropriation to pay the claim of F. M. Millikan, for publishing delinquent purchasers of state school lands.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of forty-one dollars is hereby appropriated, to pay the claim of F. M. Millikan, for publishing delinquent purchasers of state school lands, July second, eighteen hundred and ninety, for the forty-second fiscal year (having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation to pay claim of F. M. Millikan.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCIX.

*An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of twelve hundred and twenty-one dollars and eighty-nine cents is hereby appropriated to pay expenses incurred by the Commission for the Revision and Reform of the Law (the same having been approved by the State Board of Examiners), and to be paid as follows: To Bancroft-Whitney Company, two hundred and twelve dollars; to Locke & Lavenson, forty-five dollars; to Chas. H. Merry, four hundred and twenty-four dollars; to Chas. W. Palm Company, eighteen dollars and fifty cents; to John W. Powers, three hundred and forty dollars; to G. G. Wickson & Co., one hundred dollars, and to Peter J. Shields, eighty-two dollars and thirty-nine cents.

Appropriation to pay expenses incurred by Code Commission.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the sums herein made payable, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCX.

*An Act making an appropriation to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins.*

[Approved March 31, 1897.]

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

Appropriation to pay funeral expenses of W. D. Perkins, State Librarian.

SECTION 1. The sum of eleven hundred and two dollars and eight cents is hereby appropriated to pay the expenses incurred for the funeral of the late State Librarian, W. D. Perkins (this account having been approved by the State Board of Examiners), and to be paid as follows: To the Bell Conservatory Co., thirty dollars; to George H. Clark, one thousand and fifty dollars; to J. H. Watkins, ten dollars; to B. Wilson & Co., twelve dollars and eight cents.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the same, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXI.

*An Act making an appropriation to pay the claim of R. L. Peeler, for expenses incurred in attending the funeral of the late General Dimond.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of R. L. Peeler.

SECTION 1. The sum of thirty-seven dollars and seventy cents is hereby appropriated to pay the expenses incurred in attending the funeral of the late General Dimond (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXII.

*An Act making an appropriation to pay the deficiency in the appropriation for payment of the expenses incurred in calling the National Guard of California into service, by order of the Governor, in 1894.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of seven hundred and twenty-eight dollars and thirteen cents is hereby appropriated to pay the claim of D. Dierssen and Co., for supplies furnished the National Guard of California (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for deficiency, calling N. G. C. into service, 1894.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXIII.

*An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of eleven hundred and eighteen dollars and thirty-three cents is hereby appropriated to pay the expenses incurred for the funeral of the late Lieutenant-Governor Millard (this account having been approved by the State Board of Examiners), and to be paid as follows: To Samuel T. Black, forty-six dollars and fifteen cents; to George Boyne, one hundred and twenty dollars; to A. W. Browne, twenty-eight dollars and seventy-five cents; to Gilbert Landell, nine dollars and three cents; to Chas. W. Metcalf, seven dollars; to Peck and Chase Co., four hundred and ninety-two dollars; to the Southern Pacific Co., four hundred and fifteen dollars and forty cents.

Appropriation to pay funeral expenses of Lieutenant Governor Millard.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the same, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXIV.

*An Act making an appropriation to pay the deficiency in the appropriation for support of Southern California Hospital for Insane and Inebriates, for the forty-seventh fiscal year.*

[Approved March 31, 1897.]

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

Appropriation for deficiency, support of Southern California Asylum.

SECTION 1. The sum of eight thousand seven hundred and forty-eight dollars and forty-six cents is hereby appropriated to pay the deficiency in the appropriation for support of the Southern California Hospital for Insane and Inebriates (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXV.

*An Act making an appropriation to pay the claim of the estate of R. J. Broughton, for transportation of prisoners.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of R. J. Broughton

SECTION 1. The sum of fifteen dollars and three cents is hereby appropriated to pay the estate of R. J. Broughton, the same being a deficiency in the appropriation for transportation of prisoners for the forty-third fiscal year (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXVI.

*An Act making an appropriation to pay the deficiency in the appropriation for transportation of prisoners, for payment of the claim of W. C. Conroy, in conveying children to Whittier.*

[Approved March 31, 1897.]

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

Appropriation for deficiency, W. C. Conroy.

SECTION 1. The sum of ninety-eight dollars and seventy-five cents is hereby appropriated to pay the claim of W. C. Conroy, for conveying children to Whittier (the same having

been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall effect immediately.

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#### CHAPTER CCXVII.

*An Act making an appropriation to pay the deficiency in the appropriation for pay of salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics, as authorized by statutes of eighteen hundred and eighty-nine, page seven.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of one thousand six hundred and forty-nine dollars and eighty cents is hereby appropriated to pay the deficiency in the appropriation for pay of salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the Bureau of Labor Statistics (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation for deficiency, Bureau of Labor Statistics.

SEC. 2. This Act shall take effect immediately.

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#### CHAPTER CCXVIII.

*An Act making an appropriation to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners, from February 15, 1891, to March 21, 1891.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of one hundred and seventy-five dollars is hereby appropriated to pay the claim of Charles Phipps, for services rendered as Assistant Secretary of the State Board of Examiners from February fifteenth to March twenty-first, eighteen hundred and ninety-one (this claim having been approved by the State Board of Examiners).

Appropriation to pay claim of Charles Phipps.

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXIX.

*An Act making an appropriation to pay the claim of Geo. E. Lawrence, for services rendered the State of California, at the funeral of the late Lieutenant-Governor Millard.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of Geo. E. Lawrence. SECTION 1. The sum of forty-six dollars and fifty cents is hereby appropriated to pay the claim of Geo. E. Lawrence, for services rendered by him at the funeral of the late Lieutenant-Governor Millard (this account having been approved by the State Board of Examiners).

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXX.

*An Act making an appropriation to pay the deficiency in the appropriation for "repairs to the capitol building and furniture, etc."*

[Approved March 31, 1897.]

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

Appropriation for deficiency, repairs to capitol, etc. SECTION 1. The sum of five thousand dollars is hereby appropriated to pay the deficiency in the appropriation for "repairs to capitol building and furniture, etc." (the same having been approved by the State Board of Examiners).

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXXI.

*An Act making an appropriation to pay the claim of John F. Kidder, for traveling expenses, from August 15, 1893, to December 21, 1896, inclusive.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of John F. Kidder. SECTION 1. The sum of four hundred and eighty dollars is hereby appropriated, to pay the claim of John F. Kidder, Debris Commissioner, for traveling expenses incurred from August

fifteenth, eighteen hundred and ninety-three, to December twenty-first, eighteen hundred and ninety-six, both dates inclusive (the same having been approved by the State Board of Examiners).

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

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### CHAPTER CCXXII.

*An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of The Southern Pacific Company vs. The Board of Railroad Commissioners.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of eight hundred and ninety-three dollars is hereby appropriated, to pay the claim of Clement Bennett, for services as reporter in the case of The Southern Pacific Company vs. The Board of Railroad Commissioners (the same having been approved by the State Board of Examiners).

Appropriation to pay claim of Clement Bennett.

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

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### CHAPTER CCXXIII.

*An Act making an appropriation to pay the claim of James V. Hicks against the State of California.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of two hundred and seven dollars and seventy-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of James V. Hicks against the State of California (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation to pay claim of J. V. Hicks.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXXIV.

*An Act making an appropriation to pay the claim of Charles Nelson, arising upon a judgment recovered by said Nelson against the State of California, in the Superior Court of the City and County of San Francisco, on May 27, 1896.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of Charles Nelson.

SECTION 1. The sum of six hundred and seventy-five (\$675.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the claim of Charles Nelson, arising upon a judgment recovered by him against the State of California, in the City and County of San Francisco, on May twenty-seventh, eighteen hundred and ninety-six, duly entered in the Superior Court of said city and county on June second, eighteen hundred and ninety-six.

SEC. 2. The Controller is hereby authorized to draw his warrant in favor of Charles Nelson for the principal sum of said judgment and the interest thereon from date of its rendition until the drawing of said warrant, and the Treasurer is directed to pay the same out of the appropriation made by this Act.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXXV.

*An Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act.*

[Approved March 31, 1897.]

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

Division of State into agricultural districts.

SECTION 1. The several counties of this State are divided and classified into agricultural districts, and numbered as follows, to wit:

The Counties of San Francisco and Alameda shall constitute Agricultural District No. 1.

The County of San Joaquin shall constitute Agricultural District No. 2.

The County of Butte shall constitute Agricultural District No. 3.

The Counties of Sonoma and Marin shall constitute Agricultural District No. 4.



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

Division of  
State into  
agricul-  
tural  
districts.

The County of Los Angeles shall constitute Agricultural District No. 6.

The County of Monterey shall constitute Agricultural District No. 7.

The County of El Dorado shall constitute Agricultural District No. 8.

The County of Humboldt shall constitute Agricultural District No. 9.

The County of Siskiyou shall constitute Agricultural District No. 10.

The Counties of Plumas and Sierra shall constitute Agricultural District No. 11; *provided*, that the first fair held in the Eleventh Agricultural District after the passage of this Act shall be held in Sierra County; the next fair in Plumas County, and thereafter said counties shall so alternate in holding such fairs.

The Counties of Lake and Mendocino shall constitute Agricultural District No. 12.

The Counties of Sutter and Yuba shall constitute Agricultural District No. 13.

The County of Santa Cruz shall constitute Agricultural District No. 14.

The County of Kern shall constitute Agricultural District No. 15.

The County of San Luis Obispo shall constitute Agricultural District No. 16.

The County of Nevada shall constitute Agricultural District No. 17.

The Counties of Mono, Inyo, and Alpine shall constitute Agricultural District No. 18.

All that portion of Santa Barbara County lying east of the Gaviota and south of the Santa Ynez Mountains, shall constitute Agricultural District No. 19.

The County of Placer shall constitute Agricultural District No. 20.

The Counties of Fresno and Madera shall constitute Agricultural District No. 21.

The County of San Diego shall constitute Agricultural District No. 22.

The County of Contra Costa shall constitute Agricultural District No. 23.

The Counties of Tulare and Kings shall constitute Agricultural District No. 24.

The County of Napa shall constitute Agricultural District No. 25.

The County of Amador shall constitute Agricultural District No. 26.

The Counties of Shasta and Trinity shall constitute Agricultural District No. 27.

The Counties of San Bernardino and Riverside shall constitute Agricultural District No. 28.

Division of  
State into  
agricul-  
tural  
districts.

The County of Tuolumne shall constitute Agricultural District No. 29.

The County of Tehama shall constitute Agricultural District No. 30.

The County of Ventura shall constitute Agricultural District No. 31.

The County of Orange shall constitute Agricultural District No. 32.

The County of San Benito shall constitute Agricultural District No. 33.

The County of Modoc shall constitute Agricultural District No. 34.

The Counties of Merced and Mariposa shall constitute Agricultural District No. 35.

The County of Solano shall constitute Agricultural District No. 36.

All that portion of Santa Barbara County not included in Agricultural District No. 19 shall constitute Agricultural District No. 37.

The County of Stanislaus shall constitute Agricultural District No. 38.

The County of Calaveras shall constitute Agricultural District No. 39.

The County of Yolo shall constitute Agricultural District No. 40.

The County of Del Norte shall constitute Agricultural District No. 41.

The County of Glenn shall constitute Agricultural District No. 42.

The County of Lassen shall constitute Agricultural District No. 43.

The County of Colusa shall constitute Agricultural District No. 44.

Directors.

SEC. 2. Where two or more counties shall constitute an agricultural district, each county shall be represented in the district board of directors by at least two resident citizens, as directors in said board; *provided*, that when by reason of the formation of a new agricultural district, a director of one district becomes a resident of another, his term of office as director will expire in sixty days after the formation of the new agricultural district. Whenever the board of directors of two or more agricultural districts shall, by a majority vote of each board, elect to unite, the said several districts may associate as one district, and hold a fair in any of said districts, and may for such purpose draw the appropriation for all of said districts, and expend the same for said fair.

Consolidation of  
districts.

Formation  
of associa-  
tions.

SEC. 3. Any fifty or more persons, representing a majority of the counties within any one of the districts above constituted, may form an association, for the improvement of the material industries within such district, and when so formed, the association shall be known and designated by the name of—— Agricultural Association, and by such name and style shall have perpetual succession, and shall have power and

authority to contract and be contracted with, to sue and be sued, to have and use a common seal, to purchase and hold and lease real estate, with such buildings and improvements as may be erected thereon, and may sell and lease and dispose of the same at pleasure. The said real estate, except as herein-after provided, shall be used by such association for the purpose of holding exhibitions of horses, cattle, and other stock, and of the agricultural, horticultural, viticultural, mechanical, manufacturing, and domestic products of such district, with a view to the improvement of all industries in the same. But the said association shall have the power, and are hereby authorized, to sell and convey any portion of the real estate held by it, by whatever title derived, which may not be necessary for the permanent use of said association for the purposes aforesaid.

SEC. 4. The officers of such association shall consist of eight directors, who shall constitute a District Board of Agriculture for District Number ———; a president, who shall be one of their number, and a secretary and treasurer, not of their number. Officers of association.

SEC. 5. Within ten days after the formation of any new agricultural association within any of the districts above constituted in accordance with the provisions of this Act, and notice of such formation to the Governor, the Governor shall appoint eight resident citizens of such district as members of a District Board of Agriculture for said district, whose term of office shall be four years, except as hereinafter provided. Governor to appoint district boards.

SEC. 6. Within ten days after their appointment, the persons so appointed shall qualify as required by the Constitution, and shall meet at a place within the district and organize by the election of one of their number as president of the board and association, who shall hold said office of president one year, and until his successor is elected; they shall also elect a secretary and treasurer. Organization.

SEC. 7. At the same meeting the members of the board shall, by lot or otherwise, classify themselves into four classes of two members each. The term of office of the first class shall expire at the end of the first fiscal year; of the second class, of the second fiscal year; of the third class, of the third fiscal year; and of the fourth class, at the end of the full term of four years. The fiscal year shall be from December first to December first; *provided*, that all officers of agricultural districts now in office, under any law heretofore passed, shall hold office for the term for which they were appointed, except in cases specified in section two of this Act. And the agricultural associations heretofore established shall be continued in force, and, so far as applicable, are made agricultural associations under this Act. Term of office.

SEC. 8. Each association so formed and organized is hereby declared, and shall be recognized, a state institution, and the board so appointed and qualified shall have the exclusive control and management of such institution, for and in the name of the State, and shall have possession and care of all the Associations are state institutions.

property of the association, and shall fix the terms of office and the bonds of the secretary and treasurer, and determine their salaries and duties. They shall have the power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; *provided*, that the State shall, in no event, be liable for any premium offered or award made, or for any debt contracted by any District Board of Agriculture, or agricultural association; *and provided further*, that nothing in this section shall be so construed as in any way to affect or modify any of the provisions of section eleven.

Powers.

Annual fair.

Secretary shall report classification of directors.

Annual report to State Board of Agriculture.

Sale of real estate.

SEC. 9. When any district board of agriculture shall have been classified and organized as herein provided, the secretary of the board shall report such classification and organization to the State Board of Agriculture. He shall also report the same to the Governor, and shall report any vacancy that may occur in the board to the Governor, who shall fill the same, by appointment, for the unexpired term. It shall be the duty of each district association formed under this Act, to report to the State Board of Agriculture, on or before January first of each year, a detailed financial statement, together with a complete statistical review of the agricultural resources of each county in the district, for the year ending December thirty-first. Said review to contain the acreage and yield of all agricultural productions for the year previous, and such other data as may be asked for by the State Board of Agriculture in the furtherance of its duties.

SEC. 10. Whenever any such association shall desire to sell any portion of its real estate not needed for the permanent use of the association, for the purposes specified in section three, and such real estate be held by such association under a deed or deeds of trust conveying the said lands in trust, to be held in perpetuity as a place for holding agricultural exhibitions or fairs, or for other permanent purposes of such association, it shall be lawful for such association to file its complaint in the Superior Court of the county in which such lands are situated, setting forth the nature of the title under which they are held, and that it is the desire of the said association to sell and dispose of such real estate, and praying for judgment authorizing it to sell and convey the same. In such action the trustee or trustees in such deed or deeds, or the survivor or survivors of them, or the heirs, or administrators, or executors of deceased trustees, as the case may require, shall be made parties defendant; and upon service of the summons upon such defendants, personally or by publication, or upon their appearance, the court shall have full jurisdiction in the premises, and the deed executed under and in pursuance of the judgment of the court shall be valid and effectual to convey to the purchaser the title of said association, and that of all of its predecessors in title-made parties to the suit.

SEC. 11. Every such association organized and existing under the laws of the State, and which has heretofore issued certificates of the capital stock of such association, and which certificates last mentioned have been accepted by the members of such association in lieu of certificates of membership therein, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner and with like effect as corporations formed under the provisions of chapter one, article one, of the Civil Code, relating to the formation of corporations. In order to effect such change, a meeting of the holders of such alleged certificates of capital stock may be called, at which the holders of such alleged stock shall be entitled to one vote for each share of such stock appearing in their names, respectively, upon the books of such association. Upon the receipt of a written application, signed by the holders of one fourth of the shares of such alleged capital stock of such association, requesting him so to do, the secretary of such association shall give notice of the time and place of holding such meeting, by publication in some newspaper printed and published in such county, or city and county, in which the principal place of business of such association is located, at least once a week for three successive weeks next prior to the holding thereof. Such notice shall state that the object of the meeting is, (1) to determine whether such corporation elects to have a capital stock as provided by this Act; (2) the amount of such capital stock, and (3) the number of shares into which the same shall be divided. At such meeting, should the holders of a majority of the shares of such alleged capital stock vote in favor of having a capital stock, and fix the amount thereof, and the number of shares into which it shall be divided, then such corporation shall issue certificates of capital stock to the amount fixed at such meeting, divided into the number of shares provided by said meeting, to the holders of such alleged capital stock, in the same proportion as such alleged stock appears in the names of such holders, respectively, upon the books of such association. A copy of the notice calling such meeting, the affidavit of publication thereof, the proceedings of such meeting, the amount of capital stock voted, number of shares into which the capital stock was divided, and to whom assigned, duly certified by the chairman of such meeting, and the secretary of such association, under the seal thereof, must be filed with the Secretary of State and the clerk of the county where such association has its principal place of business. Thereafter such association shall be possessed of all rights and powers, and shall be subject to all the obligations and restrictions, as if it had been originally created a corporation with a capital stock, including the right to elect a board of directors authorized to exercise such control of all the property of such association, as provided in chapters one, two, three, and four of the Civil Code, relating to corporations; *provided*, such association shall have no authority to sell any portion of the real estate owned and held by it, by whatever title derived, which may be necessary for the permanent use of such association, for the purposes aforesaid; *and provided*

Capital stock.

Rights of stockholders.

Certificate to be filed with Secretary of State and County Clerk.

Rights and powers of association.

When state aid is accepted. *further*, that in the event that such association, after the issuance of a capital stock as aforesaid, shall be offered aid at any time from the State by appropriation, for the purpose of holding an annual district fair, and such association, by a vote of the board of directors, elected as hereinafter provided, adopts a resolution accepting such appropriation, then and in that event said annual fair shall be held under the control and management of the District Board of Agriculture of such district; but said District Board of Agriculture shall have no other authority, control, or management of or over the property of such association, and the authority which it may exercise over said property shall continue only during the time occupied in holding the said district fair, which time shall not extend over more than one week annually.

Meetings of stockholders for electing board of directors.

When any corporation has elected to issue capital stock under this Act, the president thereof shall, within ten days after filing with the Secretary of State of the certificate hereinbefore provided, call a meeting of the stockholders of such corporation, for the purpose of electing a board of directors of such corporation, which board of directors shall hold their office until their successors are elected and qualified, and thereafter a board of directors of such corporation shall be elected annually, on the day of the month upon which the election of said first board of directors elected as aforesaid is held, unless a different day for holding such election is fixed by the board of directors of such corporation, by its by-laws, properly adopted.

SEC. 12. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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

## CHAPTER CCXXVI.

*An Act making an appropriation to pay the claims of the State Board of Health, for traveling expenses.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of State Board of Health. SECTION 1. The sum of four hundred and thirty-five dollars and ninety cents is hereby appropriated to pay the deficiency in the appropriation for traveling expenses of the State Board of Health (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXXVII.

*An Act to establish a State Lunacy Commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties.*

[Approved March 31, 1897.]

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

## ARTICLE I.

## STATE COMMISSION IN LUNACY.

SECTION 1. This Act shall be known as the Insanity Law.

SEC. 2. When used in this chapter, the term "poor person" means a person who is unable to maintain himself and has no one legally liable and able to maintain him; the term "an indigent person" means one who has not sufficient property to support himself while insane and the members of his family lawfully dependent upon him for support; the term "institution" means any hospital, asylum, building, house, or retreat, authorized by law to have the care, treatment, or custody of the insane; the term "commission" means the State Commission in Lunacy; the term "patient" means an insane person committed to an institution according to the provisions of this chapter.

Insanity  
Law.

Definitions  
of terms  
used in  
this Act.

SEC. 3. The State Commission in Lunacy is hereby created, and shall consist of five commissioners, as follows: Three of such commissioners shall be the State Board of Examiners, who are hereby constituted ex officio members of such commission. In the absence of the Governor from any meeting of such commission, the secretary of the State Board of Examiners shall act in his place and stead, and with the same force and effect, and to such extent shall be an ex officio member of such commission. In the absence of the Attorney-General at any meeting of the Commission in Lunacy, the Assistant Attorney-General shall be a member of such commission, and act to the same effect, and have the same power and authority as would the Attorney-General were he so present. A fourth member of such Commission in Lunacy, and who shall be the general superintendent of the state hospitals of California, shall be a reputable physician, a graduate of an incorporated medical college, with at least ten years' experience in the actual practice of his profession, and who has had six years' actual experience in the care and treatment of the insane, at least one year of which must have been in the state hospitals of California. The fifth member of the commission shall be the secretary of the

State  
Lunacy  
Commis-  
sion  
created.

Who shall  
constitute  
commis-  
sion.

General  
Superin-  
tendent of  
State  
Hospitals.

Secretary  
of State  
Board of  
Health.

- State Board of Health, who shall be ex officio a member of such commission. The salary of the general superintendent of the state hospitals for the insane shall be four thousand dollars per annum, but shall not be changed during his term of office. He shall also be allowed his actual traveling and incidental expenses, the same to be audited by the other members of the commission. The remaining members of the commission shall serve without salary. The general superintendent of the state hospitals for the insane shall be appointed by the Governor immediately after the passage of this Act, and shall hold no other office, and his term of office shall be four years from the date of his commission, and until his successor is appointed and qualified.
- Salary and expenses of general superintendent.**
- Governor to appoint.**
- Term of office.**
- Office of commission in state capitol.**
- Secretary, etc.**
- Expenses of commission.**
- Seal.**
- Duty of commission.**
- Examination of books, etc.**
- SEC. 4. The commission shall be provided by the Secretary of State with a suitable furnished office in the state capitol, where it shall hold stated meetings at least once in three months. It may hold other meetings, at such office or elsewhere, as it may deem necessary. It may employ a secretary, a stenographer, and such other employes as may be deemed necessary. The salaries and reasonable expenses of the commission and of the necessary clerical assistance shall be paid by the Treasurer of the State on the warrant of the Controller, and out of any moneys appropriated for the support of the insane; said expenses and salaries shall be paid pro rata from the amount appropriated for the maintenance of each state hospital.
- SEC. 5. The commission shall have an official seal. Every process, order, or other paper issued or executed by the commission, may, by the direction of the commission, be attested, under its seal, by its secretary or by any member of the commission, and when so attested shall be deemed to be duly executed by the commission.
- SEC. 6. The commission is charged with the execution of the laws relating to the care, custody, and treatment of the insane, as provided in this Act, not including feeble-minded persons and epileptics, as such, and idiots. They shall examine all public institutions authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds, and other property connected with such institutions, and into all matters relating to its management. For such purpose each commissioner shall have free access to the grounds, buildings, and all books and papers relating to any such institution. All persons connected with any such institution shall give such information and afford such facilities for any such examination or inquiry as the commissioners may require. The commission may, by order, appoint a competent person to examine the books, papers, and accounts, and also into the general condition and management of any institution to the extent deemed necessary and specified in the order.
- SEC. 7. The general superintendent for the state hospitals for the insane shall visit every institution at least twice in each



year. Such visits may be made jointly, or by a majority of the commission, on such days and at such hours of the day or night, and for such length of time as the visiting commissioner, or commissioners, may choose. But each commissioner may make such other visits as he, or the commission, may deem necessary. Each visit shall include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the out-houses, places, buildings, and grounds belonging thereto, or used in connection therewith. The president of the commission, or a majority of the members thereof, shall from time to time make an examination of all records and methods of administration, the general and special dietary, the stores and methods of supplies, and, as far as the circumstances will permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it, suitable opportunity to converse with the commissioners, apart from the officers and attendants. They shall, as far as they deem necessary, examine the officers, attendants, and other employés, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioner, or commissioners, shall report the result thereof, with such recommendations for the better management or improvement in such institutions as they may deem necessary. But such recommendations shall not be contrary to the medical doctrines of the particular school of medicine adopted by such institutions. The commissioners shall, from time to time, meet the managers or responsible authorities of such institutions, or as many of the members as practicable, in conference, and consider, in detail, all questions of management and improvement of the institutions, and shall also send to them, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institutions as they may deem necessary or desirable.

General superintendent and commission to visit institutions.

Examination of records, methods, patients, etc.

Report of observations, with recommendations.

SEC. 8. The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. All such insane shall be allowed to correspond, without restriction, with the Superior Judge and District Attorney of the county from which they were committed. The by-laws, rules and regulations, books of record, and for steward's department, blank forms, both clinical and otherwise, questions for examination of employés, and questions for competitive examination in all the different branches of medicine and surgery, and specially in diseases affecting the mind and nervous system, of all assistant physicians and internes, otherwise than the first and second assistants, for the special use of the hospitals, shall be uniform for all hospitals, and shall be approved by the commission.

Regulations.

Insane permitted to correspond with whom.

Uniformity of by-laws, books, blank forms, etc.

SEC. 9. Any physician who receives a certificate as a medical examiner in lunacy shall file such original certificate in the office of the clerk of the county where he resides, and forward

Examiner in lunacy.

a certified copy thereof to the office of the commission within ten days after such certificate is granted. The commission shall keep in this office a record showing the name, residence, and certificate of each duly qualified medical examiner, and shall immediately file in its office, when received, each duly certified copy of a medical examiner's certificate, and advise the examiner of its receipt and filing. No examiner shall be qualified until he has received from the commission an acknowledgment of the receipt and filing of his certificate.

Record,  
and what  
it shall  
show.

SEC. 10. The commission shall keep in its office a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition, and date of commitment of every patient in custody in the several institutions for the care and treatment of insane persons in the State, and the name and residence of the person making the petition for commitment, and of the persons signing such medical certificate, and of the judge making the order of commitment;

2. The name of the institution where each patient is confined, the date of admission, and whether brought from home or another institution, and, if from another institution, the name of such institution, by whom brought, and the patient's condition;

3. The date of the discharge of each patient from such institution since the first of July, eighteen hundred and ninety-six, and whether recovered, improved, or unimproved, and to whose care committed;

4. If transferred, for what cause, and to what institution; and if dead, the date and cause of death.

Facts to be  
furnished  
to commis-  
sion.

SEC. 11. The authorities of the several institutions for the insane shall furnish to the commission the facts mentioned in the last preceding chapter, and such other obtainable facts relating thereto as the commission may, from time to time, in the just and reasonable discharge of its duties, require of them, with the opinion of the superintendent thereon, if requested.

Superin-  
tendents of  
state hos-  
pitals must  
report.

The superintendent, or person in charge of state hospitals, must, within ten days after the admission of an insane person thereto, cause a true copy of the medical certificate and order on which such person shall have been received, to be made and forwarded to the office of the commission; and when a patient shall be discharged, transferred, or shall die therein, such superintendent, or person in charge, shall, within three days thereafter, send the information to the office of the commission, in accordance with the forms prescribed by it.

Recom-  
mendations to the  
Legisla-  
ture.

SEC. 12. The commission shall report and recommend to the Legislature the necessary prospective needs for the care, custody, and treatment of the poor and indigent insane. To prevent overcrowding in the state hospitals, it shall recommend to the Legislature the establishment of cottages at such of the now existing state hospitals as in their judgment will best meet the requirements of such insane. It shall also furnish to the Legislature an estimate of the probable number of patients who will become inmates of the respective state hospitals during the

two years beginning July first next ensuing, and the cost of all additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody, and treatment of the poor and indigent insane of the State. No money shall be expended by the managers of a state hospital for the erection of additional buildings, or for unusual repairs or improvements of state hospitals, except upon plans and specifications approved by the commission. The cost of such buildings as are to be occupied by patients, erected on the grounds of existing state hospitals, including the necessary equipment for heating, lighting, ventilating, fixtures, and furniture, shall in no case exceed the proportion of five hundred and fifty dollars per capita for the patients to be accommodated therein.

Improvements at state hospitals.

SEC. 13. The commission shall, biennially, report to the Legislature its acts and proceedings for the two years ending June thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the Legislature, including estimates of the amounts required for the use of the state hospitals, and the reasons therefor; and also the annual reports made to the commission by the board of managers of each state hospital.

Biennial report.

## ARTICLE II.

### INSTITUTIONS FOR THE CARE, CUSTODY, AND TREATMENT OF THE INSANE.

SECTION 1. There are hereby established the following hospitals for the care and treatment of the insane of the State of California, which are hereby declared to be corporations:

State hospitals.

First—The Stockton State Hospital, at the City of Stockton, in the County of San Joaquin, hitherto known as the Stockton State Insane Asylum at Stockton, and all property now belonging to said Stockton State Insane Asylum, and all moneys to its credit with the State Controller and State Treasurer are hereby transferred to the Stockton State Hospital at Stockton, and the State Controller and the State Treasurer are hereby authorized to make such transfer.

Stockton.

Second—Napa State Hospital, near the City of Napa, County of Napa, hitherto known as the Napa State Asylum for the Insane at Napa, and all properties now belonging to said Napa State Insane Asylum for the Insane, and all moneys to its credit with the State Controller and State Treasurer are hereby transferred to the Napa State Hospital at Napa, and the State Controller and the State Treasurer are hereby authorized to make such transfer.

Napa.

Third—Agnews State Hospital, near the City of San José, Santa Clara County, hitherto known as the State Insane Asylum at Agnews, and all property now belonging to said State Insane Asylum at Agnews, and all moneys to its credit with the State Controller and the State Treasurer are hereby transferred to

Agnews.

the Agnews State Hospital at Agnews, and the State Controller and the State Treasurer are hereby authorized to make such transfer.

**Mendocino** Fourth—Mendocino State Hospital, near the City of Ukiah, County of Mendocino, hitherto known as the Mendocino State Insane Asylum at Ukiah, and all moneys to its credit with the State Controller and the State Treasurer are hereby transferred to the Mendocino State Hospital at Ukiah, and the State Controller and the State Treasurer are hereby authorized to make such transfer.

**Southern California.** Fifth—Southern California State Hospital, near the City of San Bernardino, San Bernardino County, hitherto known as the Southern California State Insane Asylum for the Insane and Inebriates, San Bernardino, and all property now belonging to said Southern California State Insane Asylum for the Insane and Inebriates, San Bernardino, and all moneys to its credit with the State Controller and State Treasurer are hereby transferred to the Southern California State Hospital, San Bernardino County, and the State Controller and the State Treasurer are hereby authorized to make such transfer.

**Board of managers.** SEC. 2. Each state hospital shall be under the control and management of a board of managers or trustees, subject to the statutory powers of the commission, and to the provisions of this Act. Such trustees or managers shall hereafter be termed managers. Each hospital shall have a board of five managers, the different members of which shall be appointed by the Governor on or before the first day of January following the expiration of the terms of office of the trustees now in office, and after this Act takes effect; each manager to serve for a period of four years, and until his successor is appointed and qualified, so that after the expiration of the term of the present managers, the terms shall expire not to exceed two each year. If a vacancy occur otherwise than by expiration of term, the appointment of a manager to fill such vacancy shall be for the unexpired term of the manager whose office is vacant.

**Term of manager.**

**Managers to be appointed by the Governor.** SEC. 3. The managers, and their successors appointed after the appointment and classification made pursuant to the preceding section, shall severally be appointed by the Governor, as often as a vacancy shall occur, or otherwise; and they may severally continue in office until their successors are appointed and qualified, and they shall be subject to removal by the Governor, upon cause shown and an opportunity to be heard. No person shall be eligible to the office of manager who is either an elective state officer or a member of the Legislature, and if any such manager shall become a member of the Legislature or an elective state officer, his office as manager shall be vacant. If any manager fails for three months to attend the regular meetings of the board of which he is a member, unless he be ill or absent from the State, his office shall be vacant, and the board, by resolution, shall so declare, and a certified copy of every such resolution shall forthwith be transmitted to the Governor.

**Disqualification.**

SEC. 4. Subject to the statutory powers of the commission, each board of managers shall have the general direction and control of all the property and concerns of the institution over which they are respectively appointed, not otherwise provided by law. They may acquire and hold, in the name of and for the people of the State of California, by grant, gift, or bequest, property to be applied to the maintenance of insane persons and for the general use of the hospital. All lands necessary for the use of state hospitals shall be acquired by condemnation as lands for public use are acquired, except those by gift, devise, or purchase, the terms of which purchase shall be approved by the commission. No public street, or road for railroad or other purposes, except for hospital use, shall be opened through the lands of the state hospital, unless the Legislature, by special enactment, consents thereto. The managers shall receive ten dollars per day for attendance at meetings, and while in the actual service of the State, and their necessary traveling and other expenses, to be paid as other current expenditures of the hospital. They shall:

1. Take care of the interests of the hospital, and see that its design and its by-laws, rules, and regulations, are carried into effect, according to law;

2. Establish such by-laws, rules, and regulations, subject to the approval of the commission, as they may deem necessary and expedient for regulating the appointment and duties of officers and employés of the hospital, and for the internal government, discipline, and management of the same;

3. Maintain an effective inspection of the hospital, for which purpose a majority of the board shall visit the hospital at least every month, and the whole board once a year, and at such other times as may be prescribed in the by-laws;

4. Keep, in a book provided for the purpose, a fair and full record of their doings, which shall at all times be open to the inspection of the Commissioners in Lunacy, or either house of the Legislature, to examine the same;

5. Cause to be typewritten, within ten days after each meeting of such managers, or a committee thereof, the minutes and proceedings of such meeting, and cause a copy thereof to be sent forthwith to each member of such board and to the commission;

6. Enter, in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients, and all such managers present shall sign the same;

7. Make to the commission, on or before the fifteenth day of August, of each year, a detailed report of their visits and inspection, with suitable suggestions and such other matters as may be required of them by the commission, for the year ending on the thirtieth day of June preceding such date of such report.

SEC. 5. Each board of managers shall continue to appoint, for its hospital, as often as vacancies occur therein:

1. A medical superintendent, who shall be a well-educated physician, a graduate of an incorporated medical college, of good moral character, and who has had not less than three

Powers of managers

Compensation.

Duties of managers.

Appointments by boards of managers.

Medical superintendent.

years' experience in the care and treatment of the insane. The medical superintendent, and all the assistant physicians, of the homeopathic hospital for its insane, shall be homeopathic physicians. Its superintendent shall be a well-educated physician, a graduate of an incorporated medical college, of good moral character, and who has had not less than three years' experience in the care and treatment of the insane in hospitals for the treatment of the insane;

Treasurer  
and  
Secretary.

2. A treasurer, who shall be ex officio secretary of the board of managers, who shall keep all the books, records, and papers pertaining to the business of his office, in an office situated where the board of managers may direct, who shall give an undertaking to the people of the State for the faithful performance of his trust, with sureties to be approved by a Judge of the Superior Court, or a Justice of the Supreme Court, of the judicial district in which such hospital is located, and in such amount as the board shall name.

Removal  
of appoint-  
ees.

Any medical superintendent, or any treasurer, may be removed by a four-fifths vote of the board of managers, for cause, stated in writing, and after an opportunity having been given him to be heard, and which removal shall be final.

Powers  
and duties  
of medical  
superin-  
tendent.

SEC. 6. The medical superintendent of each hospital shall be its chief executive officer, and in his absence or sickness, the first assistant physician or other officer designated by the medical superintendent shall perform the duties and be subject to the responsibilities of the superintendent. Subject to the by-laws, rules, and regulations established by the board of managers, the medical superintendent shall have the general superintendence of the buildings, grounds, and farm, together with their furniture, fixtures, and stock, and the direction and control of all persons therein, and shall:

General  
super-  
vision of  
hospitals.

(a) Personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients. To this end the superintendent shall personally examine the condition of each patient within five days after his admission to the hospital, and shall visit all the wards or apartments for patients at such times as the rules and regulations of the hospital shall prescribe;

Appoint-  
ments by  
medical  
superin-  
tendent.

(b) Appoint, by and with the consent of the board of managers, assistant physicians, one of whom shall be a woman; *provided*, there are three other assistant physicians; and internes, the number to be determined by the commission, as follows:

1. A first assistant physician, who shall be well educated in his profession, a graduate of an incorporated medical college, of good moral character, and who has had not less than two years' experience in the care and treatment of the insane;

2. A second assistant physician, who shall be well educated in his profession, a graduate of an incorporated medical college, of good moral character, and who has had not less than one year's experience in the care and treatment of the insane;

3. Assistants, other than the first and second, and internes, who shall be well educated in their profession, graduates of an

incorporated medical college, of good moral character, and subject to competitive examination in all the different branches of medicine and surgery, and specially in diseases affecting the mind and nervous system; the questions for such examination to be prepared by the general superintendent, subject to the approval of the commission;

4. At the homeopathic state hospital, a first and second assistant physician, each a graduate of an incorporated medical college of the homeopathic school of medicine. They shall be practitioners of good moral character; the first assistant shall have had not less than two years' experience, and the second assistant not less than one year's experience, in the care and treatment of the insane in hospitals for the treatment thereof;

5. A supervisor, matron, and steward, and all employés, who shall be subject to such an examination as he deems for the best interests of the hospital, the questions to be prepared by the superintendent, subject to the approval of the commission;

6. The medical superintendent may remove any resident officer or employé for cause, pending the meeting of the board of managers. The removal of employés, other than resident officers, shall be reported to the board of managers for their action, which shall be final, and in the case of resident officers notice in writing must be immediately given to the resident officer removed, and to each member of the board of managers. At the next meeting of the board of managers, or at the meeting to which it has been regularly postponed, such removal shall be considered and the person removed be heard, after which the managers shall determine what shall be done in the matter, which judgment shall be final. If the officer or employé be removed, the superintendent shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital. Any officer or employé of a state hospital taking an active part in politics, either directly or indirectly, shall be summarily removed from such hospital. The board of managers may remove any officer or employé from such hospital, and any officer or employé thus removed shall not be reinstated, except by a majority vote of the board of managers and the medical superintendent;

Removals  
for cause.

Shall not  
take part  
in politics.

7. The superintendent, assistant physicians, steward, supervisor, and matron, shall reside in the hospital or on the premises, and shall be designated the resident officers of the hospital;

Residence  
of certain  
employés.

(c) Transmit, by mail, to the State Lunacy Commission, within five days after such discharge has been approved by the board of managers, information of any such discharge, and the cause thereof. The commission shall preserve the name of any such officer, or employé, with the facts relating to his discharge, in a book provided for that purpose;

Powers  
and duties  
of medical  
superintend-  
ent,  
continued.

(d) Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expense;

(e) Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instruc-

Powers and duties of medical superintendent, continued.

tions and uniform obedience to all rules and regulations of the hospital;

(f) Cause full and fair accounts and records of the entire business and operations of the hospital, to be kept regularly, from day to day, in books or forms provided for that purpose;

(g) See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter, who shall incorporate it in their report to the commission;

(h) Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought, and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person;

(i) The medical superintendent shall be required to prepare and keep the payrolls of the hospitals, and to collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay-patients, within five days after such death or discharge;

Estimates for supplies.

(j) Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing, or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which shall be approved by the board of managers, unless a different time be allowed by the commission. He shall submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimate for supplies, either as to quality or quantity thereof, and shall certify that it has carefully examined the same, and that the articles contained in such estimate, as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates, the commission shall, upon the fifteenth day of May preceding the month ending June thirtieth, advertise, for four successive weeks, for contracts for furnishing such supplies; said advertisement being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the state commission. All contracts shall be awarded to the lowest responsible bidder, or bidders, upon their giving to the board of managers a bond, amounting to one fourth of their actual bids, as security for the faithful performance of the same. The board of managers reserve the right to reject any and all bids submitted to them;

Advertise for contracts.

Estimates for supplies.

(k) Prepare triplicate estimates, as approved by the board of managers, two of which must be submitted to the commission, and the other filed in the superintendent's office, for necessary expenditures other than those for provisions, fuel, forage, clothing, or material for clothing, furniture, and household



furnishing goods. The commission may revise these estimates for supplies, either as to the quality or quantity thereof, and shall certify that they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital; whereupon the board of managers shall direct the superintendent to secure the supplies according to the approved estimates.

SEC. 7. The medical superintendents of the several state hospitals, or their representatives, and, in the discretion of each board of managers, one member of each board, to be designated by it, shall meet at least every three months, on a day to be appointed by the commission, at the office of the commission, or at such other place as may be designated by it, to consult with such commission with reference to matters relating to the care and maintenance of the state hospitals. Meetings  
for consul-  
tation.

SEC. 8. The commission shall fix the annual salaries of the resident officers and treasurer of the state hospitals, which shall be uniform in all the state hospitals. They shall classify the other officers and employes in grades, and determine the salaries and wages to be paid in each grade, which shall be uniform in all the state hospitals. The salaries and wages shall be included in the monthly estimates, and paid in the same manner as other expenses of the state hospitals. The medical superintendents and the assistant physicians, each of them and their families, shall be furnished room, household furniture, laundry service, drugs when ill, provisions, fuel, and lights, at and from the supplies of the hospital. Salaries.

SEC. 9. The medical superintendent of each hospital shall, on or before the fifteenth day of each quarter, cause to be prepared triplicate estimates, in minute detail, as approved by the board of managers, of the expenses required for the hospital of which he is superintendent, for the ensuing quarter. He shall submit two such triplicate estimates to the commission and file the third in his office. The commission may revise estimates for supplies or other expenditures, either as to the quality or quantity thereof, and shall certify that it has carefully examined the same, and that the articles contained in such estimates, as approved and revised by it, are required for the use of the hospital; whereupon, the board of managers, after having received the approved estimates, shall make drafts upon the State Controller, as the money may be required for the purposes mentioned in such approved estimates, which drafts shall be paid upon the warrant of the Controller out of the funds in the treasury of the State held for the care of the insane and the maintenance of the state hospitals. Estimates  
quarterly  
in advance.

SEC. 10. All moneys received by the board of managers of any state hospital, other than that appropriated by the State, shall be kept by said board, in a separate fund, named the contingent fund; and the same shall, by the said board, be expended for such supplies, expenses, buildings, and improvements, as are required for the best interests of such hospital, and for the improvement thereof, and of the grounds and buildings connected therewith. The medical superintendent shall Contin-  
gent funds.  
  
How used.

Estimates by superintendent. make triplicate estimates, in minute detail, as approved by the board of managers, of such supplies, expenses, buildings, and improvements, two of which must be submitted to the commission, and the third placed on file in his office. The commission may revise the estimates of such supplies, and shall certify that it has carefully examined the same, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of such hospital; whereupon, the board of managers, after having received the revised and approved estimates, shall proceed to purchase such supplies, make such expenditures, or construct such improvements or buildings without further authority, and if approved shall make a draft or drafts upon the treasurer of such hospital, as the money may be required for the purposes mentioned in such estimates, which draft or drafts shall be paid by the treasurer out of any money contained in the contingent fund to be used for the above-mentioned purposes. The building Act of eighteen hundred and seventy-six shall not apply to any improvement, structure, or building made under the provisions of this Act.

Approval by commission.

Duties of treasurer of each hospital.

SEC. 11. The treasurer of each hospital shall:

1. Have the custody of all moneys received from the State, or elsewhere, for the benefit of the hospital, or any of its inmates, and keep an accurate account thereof.
2. Have the custody of all bonds, notes, mortgages, and other securities and obligations belonging to the hospital.
3. Receive all money for the care and treatment of patients, and other sources of revenue to the hospital.
4. Deposit all such money in a bank designated by the managers, conveniently near the hospital, in his name, as treasurer, and send each month, to the commission and to the board of managers, a statement showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit. The treasurer shall make an affidavit to the effect that the sum so deposited is all the money received by him, from any source of hospital income, up to the time of the last deposit appearing on such statement. The bank designated by the board of managers to receive such deposits shall, before any deposit is made, execute a bond to the people of the State, in a sum approved by the board of managers, for the safe-keeping of the funds deposited.
5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward, approved by the superintendent, in accordance with the estimates made by the superintendent, and revised and approved by the board of managers and by the commission.
6. Keep full and accurate accounts of all receipts and payments in the manner directed in the by-laws, and according to books and forms approved, prescribed, and furnished by the commission.
7. Balance all accounts on his books annually, on the last

day of June, and make a statement thereof, and an abstract of the receipts and payments of the past year, and deliver the same, within ten days, to the finance committee of the managers, who shall compare the same with the books and vouchers, and verify the results by further comparison with the books of the steward, and certify in regard to the correctness thereof, to the managers at their next meeting.

Duties of treasurer, continued.

8. Render an account to the State of the books and the funds and other property in his custody, whenever required by the managers or by the commission.

9. Upon the order of the board of managers, execute a release and satisfaction of a mortgage, judgment, or other lien or debt, in favor of the hospital, when the same has been paid.

SEC. 12. The treasurer of each state hospital shall, on or before the fifteenth day of each quarter, make to the board of managers, and to the commission, a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding quarter. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form:

Quarterly financial statement.

I, ———, treasurer of the ——— state hospital, do solemnly declare that I have deposited in the bank designated by law for such purpose, all the moneys received by me on account of the hospital during the last quarter, and I do further swear that the foregoing is a true abstract of all the moneys received, and payments made by me, or under my direction, as such treasurer, during the quarter ending on the ——— day of ———, 18—.

Affidavit of treasurer.

There shall also be attached the affidavit of the steward to the effect that the goods and other articles therein specified were ordered, or purchased, and received by him, or under his direction, at the hospital, and that neither he nor any person in his behalf, had any pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions, or presents, or in any manner whatever, directly or indirectly; that the articles and bills conform in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the vouchers showing the payment of the several items contained in the statement, and approval thereof by the superintendent, the amount of such payments, and for what the payments were made. Such approval may be contained on an audit sheet, which shall refer to each voucher approved by the superintendent, giving the number of voucher, the name of the claimant, and the amount at which it was approved. Such vouchers shall be examined by the board of managers, and by the commission, and compared with the estimates made for the quarter for which the statement is rendered, and, if found correct, shall be indorsed and forwarded by the commission, with the statement, to the State Board of Examiners. If any voucher is found objectionable, the Board of Examiners shall indorse their disapproval thereon, with the reasons therefor, and return

Affidavit of steward.

To be accompanied by vouchers.

State Board of Examiners to approve.

it to the treasurer, who shall present it to the superintendent for correction, and when corrected, return it to the Board of Examiners. All such vouchers shall be filed in the office of the State Board of Examiners.

Hospital  
treasurer  
may bring  
action.

SEC. 13. The treasurer of any state hospital may, with the consent of the Attorney-General, bring an action, in the name of the hospital, to recover, for the use thereof:

1. The amount due upon any note or bond in his hands, belonging to the hospital;

2. The amount charged and due, according to the by-laws of the hospital, for the support of any patient therein, or for the actual disbursements made in his behalf for necessary clothing and traveling expenses;

3. Upon any cause of action accruing to the hospital.

General  
powers and  
duties of  
steward.

SEC. 14. General powers and duties of the steward: The steward, under the direction of the superintendent, shall be accountable for the careful keeping and economical use of all furniture, and, under the direction of the superintendent, shall make all purchases for the hospital according to the provisions of sections nine and ten and of paragraphs nine and ten of section six, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings.

Purchase  
of supplies.

SEC. 15. All purchases of supplies for the use of the hospital shall be made for cash, or on credit or time not exceeding sixty days, except by the consent of the State Board of Examiners; every voucher shall be duly filled up, and with every abstract of vouchers paid, there shall be proof, on oath, that the voucher was properly filled, on oath, the money paid. No expenditure for supplies, or other purposes, shall be made by the board of managers of any state hospital for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this Act in relation to estimates. No manager or officer of the hospital shall be interested, directly or indirectly, in the furnishing of material, labor, or supplies for the use of the hospital, nor shall any manager or officer act as an attorney or counsel for such hospital. The state hospitals may manufacture such supplies and materials, to be used in any of such hospitals or other public institutions, as can be economically made therein.

Oath of  
office.

SEC. 16. Each superintendent, treasurer, and steward, before entering upon his duties as such, shall take the constitutional oath of office, and file the same in the office of the Secretary of State.

Civil  
action, etc.

SEC. 17. No civil action shall be brought, in any court, against the commission or a commissioner in lunacy, or an officer or manager of a state hospital, because of any act done or failure to perform any act, while discharging their official duties, without leave of the Controller first had and obtained. Any just claim for damages against such commission or commissioner, officer or employé, for which the State would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane.

SEC. 18. The authorities for each institution of the insane shall place on file in the office of the institution, the recommendations made by the commissioners as a result of their visit, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visit to such institution.

Recom-  
menda-  
tions to be  
filed.

### ARTICLE III.

SECTION 1. Within sixty days after the passage of this Act, the Board of Supervisors of each county of the State shall provide for and furnish, at or in the city, city and county, or receiving hospitals, situated in each county of the State, a suitable room or rooms for the detention, board, care, and treatment of the alleged insane. These rooms, and their furnishings, shall be subject to the approval of the State Lunacy Commission. This period of detention, board, care, and treatment shall not be less than one, nor more than twenty, days. Upon the completion and furnishing of such room or rooms within the time stated in section one of this article, it shall be the duty of the Board of Supervisors of each county to report the same to the commission; and it shall be the duty of any person having charge of, or control over, such city or county, county, or receiving hospital, to allow the commission at all times to make such examinations or investigations of such room or rooms, and their furnishings, as they in their judgment deem necessary. This section shall not be construed to mean that insane persons may not be detained, cared for, boarded, and treated in their own homes, homes of friends and relatives, or any licensed private hospital, by and with the consent of the State Lunacy Commission.

County  
Boards of  
Supervis-  
ors shall  
provide for  
care and  
detention  
of alleged  
insane.

SEC. 2. Certificates of lunacy must show that it is the opinion of the medical examiners that the alleged insane person is actually insane, and must be made by two reputable physicians, graduates of an incorporated medical college, who have been in the actual practice of their profession at least five years, and have filed with the commission a certified copy of the certificate of a Superior Judge, showing such qualifications in accordance with forms prescribed by the commission. Such physicians shall, singly or jointly, make such examinations of the person alleged to be insane as to enable them to form an opinion as to his sanity or insanity. If, after such examinations, they conclude the person is insane, they shall jointly so certify, the date of such certificate being not later than the fifth day of the alleged insane person's detention. Such certificate of lunacy shall be in the form prescribed by the commission, and shall contain the facts and circumstances upon which the opinion of the physicians is based, and show that the condition of the person examined is such as to require care and treatment in a hospital for the care, custody, and treatment of the insane.

Certifi-  
cates of  
lunacy,  
must show.

SEC. 3. If the application for a commitment has been made by a peace officer, or by the chief officer of any city, city and

Applica-  
tion for  
commit-  
ment; pro-  
ceedings  
necessary,  
etc.

Proceed-  
ings on  
commit-  
ment.

county, county, or receiving hospital, or by any other person other than a relative or friend of the alleged insane person, notice of such application shall be served upon husband or wife, father or mother, or next of kin of such alleged insane person, if there be any such known to be residing in the county, and if not, upon any person with whom the alleged insane person may reside, or at whose house he may be. Such petition or application shall be accompanied by the certificate of lunacy of the medical examiners, as prescribed in the preceding section. The judge to whom such application is made, may, if no demand is made for a hearing in behalf of the alleged insane person, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane, may immediately issue an order for the commitment of such person to a hospital for the custody and treatment of the insane. If, however, it appears that such insane person is harmless, and his relatives, or a guardian of his person and estate, are willing and able to care for him, at some place other than such hospital, upon their written consent, the judge may order that he be placed in the care and custody of such relative or such guardian. Such judge may, in his discretion, require other proofs in addition to the certificate of the medical examiners. Upon the demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him, at a time not more than three days after the issuance of the medical certificate, and the date of such order, which shall be served upon the parties interested in the application, and upon such other persons as the judge, in his discretion, may name. Upon such day he shall hear the testimony introduced by the parties, and examine the alleged insane person, if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the judge shall forthwith issue his order committing him to a hospital for the custody and treatment of the insane, or make such other order as is provided in this section. If such judge cannot hear the application, he may, in his order directing the hearing, name some referee who shall hear the testimony, and report the same forthwith, with his opinion thereon, to such judge, who shall, if satisfied with such report, render his decision accordingly. If the commitment be made to a state hospital, the order shall be accompanied by a written statement of the judge as to the financial condition of the insane person, and of the persons legally liable for his maintenance, as far as can be ascertained. The Sheriff shall be immediately notified of such commitment, and he shall at once make provisions for the transfer of such insane person to such hospital. The application for commitment, the certificate in lunacy of the medical examiners, the order directing a further hearing as provided in this section, if one be issued, a typewritten statement of any and all testimony, and the decision of the judge or referee, and the order of commitment, shall be presented at the time of the commitment to the superintendent or person in

charge of the hospital or other place to which the insane person is committed; and verbatim copies shall be forwarded by such superintendent or person in charge, and filed in the office of the State Lunacy Commission. The relative, or guardian, to whose care and custody any insane person is committed, shall forthwith file the application for commitment, certificate, a typewritten statement of any and all testimony and order, in the office of the clerk of the county where such order is made, and transmit a certified copy of such papers to the State Lunacy Commission, and procure and retain another such certified copy. The superintendent or person in charge of any state hospital for the care and treatment of the insane, may refuse to receive any person upon any order, if the papers required to be presented shall not comply with the provisions of this section, or if, in his judgment, such person is not insane within the meaning of this statute, or if received, such person may be discharged by the commission. No person shall be admitted to any such institution under such order after the expiration of fifteen days from the date of issuance of the medical certificate.

SEC. 4. If a person ordered to be committed, pursuant to this Act, or any friend in his behalf, is dissatisfied with the final order of the judge committing him, he may, within five days after the making of such order, demand that the question of his sanity be tried by a jury before the Superior Court of the county. Thereupon the court shall cause a jury to be summoned, and to be in attendance at a day stated, not less than five, nor more than ten days, from the date of the demand for a jury trial. At such trial the cause against the alleged insane shall be represented by the District Attorney of the county in which the hospital is located; and the trial shall be had as provided by law for the trial of civil cases before a jury, and the alleged insane shall be discharged, unless a verdict that he is insane shall be found by at least three fourths of the jury trying the cause. Before any order is made, or proceeding taken, for such trial by jury, such person shall make a deposit, or give a bond, to be approved by a Superior Judge, for the payment of all costs of the jury trial, if the order of commitment is sustained, unless, in the opinion of such Superior Judge, the alleged insane person shall be a poor person, as defined under section two, article one, of this Act. If the verdict of the jury be that such person is insane, the judge shall certify that fact and make an order of commitment, as upon the original hearing. Such order shall be presented, at the time of commitment of such insane person, to the superintendent or person in charge of the state hospital to which the insane person is committed, and a copy thereof shall be forwarded to the commission by such superintendent or person in charge, and filed in the office thereof. Proceedings under the order shall not be stayed pending the proceedings for determining the question of sanity by a jury, except upon the order of the Superior Judge, made after one day's notice to the District Attorney of the county, and after a hearing, with provisions made therein for such temporary care or custody of the alleged insane person as may be deemed

Trial by  
jury.

necessary; such temporary care and custody of the alleged insane shall be provided for by the Judge of the Superior Court granting the stay, and if the Superior Judge, by the order granting the stay, shall commit the accused insane to the custody of any person other than a peace officer, he may, by such order, require a bond for his appearance at the trial. If a judge shall refuse to grant an application for an order of commitment of an insane person alleged to be dangerous to himself and others, if at large, he shall state his reasons for such refusal, and any person aggrieved thereby may demand a trial of the question of the insanity of such accused insane, in the manner hereinbefore provided for a jury trial, when demanded by or on behalf of the accused insane. The party demanding a jury trial in this case shall be required to make a deposit of money, or give security for the cost thereof, except as hereinbefore provided for in this section.

Security  
for costs.

Costs  
incurred,  
to whom  
charged.

SEC. 5. The cost necessarily incurred in determining the insanity of a poor or indigent person and securing his admission into a state hospital, and the expense of providing proper clothing for such person, in accordance with the rules and regulations adopted by the commission, shall be a charge upon the town, city, county, or city and county securing the commitment. Such costs shall include the fees allowed by the judge ordering the commitment, to the medical examiners. If the person sought to be committed is not a poor and indigent person, the costs of the proceedings to determine his insanity and to secure his commitment, as provided in this section, shall be a charge upon his estate, or shall be paid by the persons legally liable for his maintenance, unless otherwise ordered by the judge. If in such proceedings, the alleged insane person is adjudged not to be insane, the judge may, in his discretion, charge the costs of the proceedings to the person making the application for an order of commitment, and judgment may be entered for the amount thereof and enforced by execution against such person.

Liability  
for care  
and treat-  
ment of  
insane.

SEC. 6. Liability for the care, support, and treatment of the insane other than the poor and indigent: The father, mother, husband, wife, or children of an insane person, if of sufficient ability, and the guardian of his person and estate, if his estate is sufficient for the purpose, shall cause him to be properly and suitably cared for and maintained. The commission may inquire into the manner in which any such person is cared for and maintained; and if, in the judgment of the commission, he is not properly and suitably cared for, may apply to a Judge of the Superior Court for an order to commit him to an hospital under the provisions of this article, but such order shall not be made unless the judge finds and certifies in the order that such insane person is not properly or suitably cared for by such relative or guardian, or that it is dangerous to the public to allow him to be cared for and maintained by such relative or guardian. The costs and charges of the commitment and transportation of such insane person to a state hospital shall be paid by the guardian, father, mother, husband, wife, or children



of such person, to be recovered in an action brought in the name of the people by the commission.

SEC. 7. All peace officers, and other persons having duties relating to the insane poor, are charged with the duty of seeing that all poor and indigent insane persons within their respective municipalities are speedily granted the relief conferred by this chapter, and, when so ordered by a Superior Judge, as herein provided, or by the commission, shall see that they are, without unnecessary delay, transferred to the proper state hospitals provided for their care and treatment as wards of the State. Before sending a person to any such hospital, they shall see that he is in a state of bodily cleanliness and comfortably clothed with new clothing, in accordance with the regulations prescribed by the commission. The commission may, by order, direct that any person it deems unsuitable therefor shall not be so employed as such attendant. When the relatives, friends, or guardians of an insane person desire that he should receive homeopathic treatment he may be committed to the Southern California State Hospital from any county of the State, in the discretion of the judge granting the order of commitment; *provided*, the crowded condition of that hospital does not preclude his admission to the detriment of other patients. Each female committed to any institution for the insane shall be accompanied by a female attendant, and, if necessary, by another proper person or persons. After the patient has been delivered to the proper officers of the hospital, the care and custody of the county or municipality from which he is sent shall cease.

SEC. 8. When an insane person is possessed of sufficient property to maintain himself, or his father, mother, husband, wife, or children are of sufficient ability to maintain him, and his sanity is such as to endanger his own person, property, or the persons and property of others, the guardian of his person and estate, or such father, mother, husband, wife, or children, must provide a suitable place for his custody and confinement, and there maintain him in such a manner as shall be approved by the commission. The District Attorney of the county, and all other city, town, and county authorities are required to see that the provisions of this Act are carried into effect in the most humane, efficient, and speedy manner. Upon the refusal or neglect of a guardian or relative of an insane person to cause him to be confined, as required by this Act, the officers named in this section shall apply to a Judge of a Superior Court, or to a Justice of the Supreme Court, who, upon being satisfied, upon proper proofs, that such person is dangerously insane and improperly at large, shall issue a warrant to one or more of the officers named, commanding them to apprehend and confine such insane person in some comfortable and safe place, in accordance with the provisions of this Act; and such officers, in apprehending such insane person shall possess all the powers of peace officers. Unless an order of commitment has been previously granted, such officer shall forthwith notify the medical examiners, and after receiving their certificate, make application for the proper order for his commitment to the proper

Duties of  
peace  
officers,  
et al.

Homeo-  
pathic  
treatment.

Female  
insane to  
be accom-  
panied by  
female  
attendant.

When  
insane  
persons, or  
relatives,  
are poss-  
essed of  
means.

Duty of  
District  
Attorney.

institution for the care, custody, and treatment of the insane, as authorized by this Act; and, if such order is granted, such officer shall take the necessary legal steps to have him transferred to such hospital. In no case shall any alleged insane person be confined in any other place than a state hospital, or licensed private hospital, for a period longer than twenty days, nor shall such person be committed as a disorderly or insane person, to any prison, jail, lock-up for criminals and drunkards, nor shall he be confined in the same room with a person charged with or convicted of crime. Any person apparently insane, and conducting himself in a manner which in a sane person would be disorderly, may be taken in custody by a peace officer, and confined as provided for in this Act, until the question of his sanity is determined, as prescribed herein. The officer taking such person into custody shall immediately notify two of the medical examiners, who shall forthwith take proper measures for the determination of the question of the sanity of such person.

Alleged insane must be examined immediately.

Admission of insane persons, not indigents.

Weekly charge for care, etc.

SEC. 9. The managers of state hospitals may authorize the superintendent to admit thereto, under special agreement, insane persons, who are residents of the State, other than poor and indigent insane persons, when there is room for such insane therein. But no patient shall be permitted to occupy more than one room in any state hospital, nor shall any patient, his friends or relatives, be permitted to pay for his care and treatment therein a sum greater than ten dollars a week. Such patients, when so received, shall be subject to the general rules and regulations of the hospital. The amount agreed upon for the maintenance of such insane person in a state hospital shall be secured by a properly executed bond, and bills therefor shall be collected monthly.

Superintendents to make bodily and mental examinations.

SEC. 10. Every superintendent, or person in charge, of a state hospital for the care and treatment of the insane, shall, within three days after the reception of a patient, make or cause to be made a thorough physical and mental examination of such patient, on blanks prepared and exclusively set apart for that purpose. He shall also make, or cause to be made, from time to time, examination of the mental state, bodily condition, and medical treatment of such patient, in such manner and upon such blank forms, as shall be approved by the commission, during the time such patient remains under his care, and in the event of the death or discharge of such person, he shall state, upon such blank forms, the circumstances thereof, and make such examinations at such other intervals of time and in such form as may be required by the commission.

Transfer of patients from one hospital to another.

SEC. 11. When the building of any state hospital shall become overcrowded with patients, or the number of buildings shall be reduced by fire, or other casualties, or for other sufficient cause, the commission may, in its discretion, cause the transfer of patients therefrom or direct that patients required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in emergencies, temporary provision for their care, preference to be given in such transfer

to a hospital in an adjoining rather than a remote district. The expense of such transfer shall be chargeable to the State, and the bills for the same, when approved by the commission, shall be paid by the Treasurer of State on the warrant of the Controller, out of any moneys provided for the care or support of the insane.

SEC. 12. When the commission has reason to believe that any person adjudged insane is wrongfully deprived of his liberty, or is cruelly or negligently treated, or inadequate provision is made for his skillful medical care, proper supervision, and safe-keeping, it may ascertain the facts, or may order an investigation of the facts by one or all of its members. It, or the commissioner conducting the proceeding, may issue compulsory process for the attendance of witnesses and the production of papers, and exercise the powers conferred upon a referee in a Superior Court. If the commission deem it proper, it may issue an order to any state hospital, directing and providing for such remedy or treatment, or both, as shall be therein specified. If such order be just and reasonable, and be approved by the Judge of the Superior Court, in which the state hospital is situated and in which the insane person has been confined, who may require notice to be given of the application for such removal, it shall be binding upon any and all institutions and persons to which it is directed, and any willful disobedience of such order shall be a criminal contempt, and punishable as such. Whenever the commission shall undertake an investigation into the general management and administration of any state hospital for the insane, or places of detention for the alleged insane, it may give notice to the Attorney-General of any such investigation, and the Attorney-General shall appear personally or by deputy, and examine witnesses who may be in attendance. The commission, or any member thereof, may at any time visit and examine the inmates of any county or city almshouse, to ascertain if insane persons are kept therein.

SEC. 13. Any one in custody as an insane person is entitled to a writ of habeas corpus, upon a proper application made by a relative or some friend in his behalf to the Superior Judge of the county in which the hospital is located. Upon the return of such writ, the fact of his insanity shall be inquired into and determined. The medical history of the patient, as it appears in the clinical records, shall be given in evidence, and the superintendent in charge of the state hospitals wherein such person is held in custody, and any other person, shall be sworn touching the mental condition of such person.

SEC. 14. The superintendent of a state hospital, on filing his written certificate with the secretary of board of managers, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal offense, at any time, as follows:

1. A patient who, in his judgment, is recovered;
2. Any patient who is not recovered, but whose discharge, in

Special investigation by commission.

Commission may issue order providing remedy or treatment.

Duty of Attorney-General.

Visits to almshouses.

Habeas corpus.

Superintendent may discharge, etc.

the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient;

Superior  
Judge may  
order  
discharge.

*Provided, however,* that before making such certificate, the superintendent shall satisfy himself, by sufficient proof, that the friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any Superior Judge of the county in which the hospital is situated may, upon such certificate and an opportunity of a hearing thereon being accorded the superintendent, and upon such other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the State as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, shall be filed in the Clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged. The superintendent may grant a parole to a patient, not exceeding thirty days, under general conditions prescribed by the commission. The commission may, by order, discharge any patient who is not insane, nor a proper case for treatment within the meaning of this Act. A poor and indigent patient discharged by the superintendent because he is an idiot, or an epileptic, not insane, or because he is not a proper case for treatment within the meaning of this Act, shall be returned to the county from which he was committed, to be cared for as are other indigent poor. A patient committed to a hospital under the provisions of chapter six, title ten, part two, of the Penal Code of this State, shall, upon the certificate of the superintendent that such person has recovered, approved by the Superior Judge of the county from which the patient was committed, be redelivered to the Sheriff of such county, and dealt with as provided for by said chapter six of the Penal Code.

Superin-  
tendent  
may grant  
parole.

Commis-  
sion may  
discharge.

Discharged  
indigents  
to be  
returned  
whence  
they came.

Discharged  
criminals.

Clothing  
and money  
for dis-  
charged  
patients.

Sec. 15. No patient shall be discharged from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot otherwise be obtained, the steward shall, upon the order of the superintendent, furnish the same, and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find an employment to earn a subsistence.

Return of  
non-res-  
idents.

Sec. 16. If an order be issued by any judge, committing to a state hospital a poor or indigent person who has not acquired a legal residence in this State, the board of managers shall return such insane person, either before or after his admission to a state hospital, to the country or state to which he belongs, and for such purpose may expend as much of the money appropriated for the care of the insane as may be necessary, subject to the recommendation of the State Lunacy Commission, and the approval of the State Board of Examiners.

License for  
private  
establish-  
ments.

Sec. 17. No person, association, or corporation shall establish or keep an institution for the care, custody, or treatment of

the insane for compensation or hire, without first obtaining a license therefor from the commission. Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. The commission shall not grant any such license without first having made an examination of the premises proposed to be licensed, and be satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license shall be granted. The commission may, at any and all times, examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution, and opportunity for it to be heard, the commission, having made a record of the proceeding upon such hearing, may, if the interests of the inmates of the institution so demand, for just and reasonable cause then appearing, and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee as the commission shall determine. The authorities of each institution for the insane shall place on file in the office of the institution the recommendations made by the commissioners, as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits.

Examination of private institutions.

SEC. 18. That all appropriations made by the Legislature shall be made separate and distinct for each state hospital, and the commissioners, in paying the expenses incurred by them, shall be paid pro rata from the funds of the several state hospitals, and the State Controller is hereby authorized to draw his warrants for the same.

Expenses to be pro rata.

SEC. 19. Nothing in this Act shall affect the tenure of the officers of the existing institutions, nor the fixed salary of any officer elected by existing boards of trustees or directors of asylums of this State during their present term of office.

Existing officers and salaries not affected.

SEC. 20. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 21. This Act shall take effect from and after its passage.

## CHAPTER CCXXVIII.

*An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands.*

[Approved March 31, 1897]

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

Organiza-  
tion of  
drainage  
districts  
other than  
for swamp  
and  
overflowed  
lands.

SECTION 1. Whenever fifty, or a majority of the holders of title, or evidence of title as herein provided, to agricultural lands other than lands known as swamp and overflowed lands, which are susceptible of one general mode of drainage by the same system of works, desire to provide for the drainage of such lands, they may propose the organization of a drainage district under the provisions of this Act, and when so organized such district shall have the powers, rights, and duties conferred, or which may be conferred by law, upon such drainage districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of a drainage district under the provisions of this Act, shall be sufficient evidence of title for the purposes of this Act; *provided*, that no person who has received or acquired title to land within such proposed district for the purpose of enabling him or her to join in such petition or to become an elector of said district, shall be allowed to sign such petition or to vote at any election to be held in such district under the provisions of this Act. Such illegal signing, however, shall not invalidate such petition when there shall be found a sufficient number of other legal petitioners.

Petition to  
Supervis-  
ors.

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, are situated, signed by the required number of the holders of title or evidences as above provided of title of such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same 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 obligors will pay all the cost in case such an organization shall not be effected. The petition shall be presented at a regular meeting of the said Board of Supervisors, and shall have been published for at least two weeks before such presentation in some newspaper printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of such counties.

Bond.

Publica-  
tion of  
petition,  
etc

Sec. 3. When such petition is presented, the 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 define and establish 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 proposed district which is susceptible of drainage by the same system of works applicable to the other lands in such proposed district; nor shall any land which will not, in the judgment of said board, be benefited by drainage by such system, be subjected to the operation of this Act; *provided*, that any person whose lands are susceptible of drainage by the same system of works, may, in the discretion of the board, upon application of the owner, have such lands included in such district. Said board shall, when requested in the petition, by its order, divide such district into three or more divisions, as nearly equal in size as practicable, which divisions shall be numbered consecutively, and one director and one assessment commissioner, each of whom shall be an elector and a resident freeholder of the division, shall be elected by each division; *provided*, that when requested in the petition, three directors and three assessment commissioners, residents, electors, and freeholders of the district, shall be elected at large by the qualified electors of the district. Said Board of Supervisors shall then establish a convenient number of election precincts for said proposed district, define the boundaries thereof, and designate the polling places therein, which precincts and polling places may thereafter be changed by the board of directors. The Board of Supervisors shall also appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct, with the powers and duties hereinafter prescribed for like boards in subsequent elections. 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 designate a name for such proposed district, and describe the boundaries thereof and the boundaries of the precincts established therein, together with a designation of the polling place and board of election for each precinct; and shall require the electors of the proposed district to cast ballots which shall contain the words "Drainage District—Yes," or "Drainage District—No," or words equivalent thereto, and also the names of one or more persons (according to the divisions of the proposed district as prayed for in the petition and ordered by the board) to be voted for to fill the office of director, and one or more persons to fill the office of assessment commissioner. Such notice shall be published for at least three weeks prior to such election in a newspaper within said county; and if any portion of such proposed district lie within another county or counties, said notice shall also be similarly published

Hearing of petition.

Division of district for election of directors and assessment commissioners.

Election precincts.

Election officers.

Notice of election.

Ballots.

Publication of notice.

Qualifica-  
tions of  
electors.

in a newspaper published within each of said counties. 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; *provided*, that any person owning land within such district, wherever resident in this State, shall be entitled to vote at any election held in such district under the provisions of this Act. Except as herein provided, such election shall be conducted, as nearly as practicable, in accordance with the general election laws of this State; *provided*, that no particular form of ballot shall be required.

Canvass of  
votes

SEC. 4. The said Board of Supervisors shall, on the first Monday succeeding such election, if then in session, or at its next succeeding general or special session, 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 "Drainage District—Yes," the board shall, by an order entered in its minutes, declare such territory duly organized as a drainage district, under the name theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for directors and assessment commissioners, to be duly elected to such offices. And no action shall be commenced or maintained, or defense made, affecting the validity of the organization of such district, unless the same shall have been commenced or made within two years after the making and entering of said order. Said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of County Recorder of each county in which any portion of such lands are situated, and must also immediately forward a like 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, upon qualifying in accordance with law, be entitled to enter upon the duties of their respective offices, and shall hold such offices, respectively, until their successors are elected and qualified.

Declara-  
tion of or-  
ganization  
to be  
recorded.

Biennial  
election  
for board  
of directors  
and assess-  
ment com-  
missioners.

SEC. 5. In each district organized as herein provided, an election shall be held in each second year thereafter, on the same day on which the first election in such district was held, at which a board of directors for the district, and also, when so ordered by the board of directors, assessment commissioners, as provided in section three of this Act, 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 respective certificates of election each of said persons shall take and subscribe the official oath, to be indorsed upon their respective certificates, which shall be filed in the office of the board of directors. Each

Official  
oath.



assessment commissioner shall execute an official bond in the sum of one thousand dollars, which shall be approved by and filed with the board of directors, and each director shall execute an official bond in the sum of five thousand dollars, which shall be approved by the Judge of the Superior Court of the county where the organization of the district was effected, and shall be recorded in the office of the County Recorder of such county, and filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Official  
bonds.

SEC. 6. 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 a conspicuous place in the office of said board, which shall be established and kept at the county seat of the county where the organization of the district effected, specifying the officers to be elected, the polling places of each precinct, and the names of the members of the boards of election, for each precinct. Prior to the time for posting such notices the board 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 the 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 place within each precinct where the election must be held.

Notice of  
election to  
be posted.

SEC. 7. The inspector is chairman of the election board, and may, 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 open at nine o'clock A. M., and kept open until four o'clock P. M., when the same must be closed. The provisions of the Political Code relating to the form of ballots to be used shall not apply to elections held under this Act.

Inspector  
of election;  
powers.

Clerks.

Hours for  
voting.

SEC. 8. Voting may commence as soon as the polls are open and may be continued during all the time the polls remain open, 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

Voting.

Counting  
the votes.

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 or place where the election is held, until all the ballots have been counted, which counting shall in all cases be public. The ballots shall be taken out one at a time by the inspector or one of the judges, who shall open the same, and read aloud the names of each person thereon, and the office for which name 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.

Certifi-  
cates, poll  
lists, tally  
sheets,  
ballots, etc.

SEC. 9. As soon as all the votes are read off and counted, a certificate shall be indorsed on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which such person was voted for, which number shall be written in figures and words at full length. Each certificate shall be signed by the clerk, judge, and inspector. One of said certificates, with the poll list and tally paper to which it is attached, shall be retained by the inspector, and by him preserved for six months. The ballots shall be strung upon a thread by the inspector during the counting thereof, in the order in which they are entered upon the tally list by the clerks, and such 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 such precinct.

Records  
must show,  
what

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, showing:

First—The whole number of votes cast in the district, and in each division of 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 each division for the office of director and for assessment commissioner.

Duty of  
board of  
directors.

Certificate  
of election.

The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenti-

cated with the seal of the board. In case of vacancy in the office of assessment commissioner, the vacancy shall be filled by appointment by the Board of Supervisors of the county where organization was effected. An officer appointed as above provided shall hold such office until the next regular election for said district and until his successor is elected and qualified.

Vacancies.

SEC. 11. On the first Wednesday in the month next following their election, the directors shall meet and organize as a board, elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. 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, when necessary, engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage, and the land needed for right of way, including drains, canals, sluices, water-gates, embankments, and material for construction, and to construct, maintain, and keep in repair all works necessary for the purpose of drainage, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act. The board may establish equitable by-laws, rules, and regulations necessary or proper for carrying on the business herein contemplated.

Meeting and organization of board of directors.

SEC. 12. The board of directors shall hold regular meetings at their office on the first Tuesday in March, June, September, and December, 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 by an order entered in the minutes specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board must be kept by the secretary, and all records of the board shall be open to inspection during business hours. The board and its agents and employes shall have the right to enter upon any land, to make surveys, and may locate the necessary drainage works, and the line for any canals, sluices, water-gates, and embankments, and the necessary branches for the same, on any lands which may be deemed best for such location; and said board shall have the right to acquire, hold, and possess, either by donation, purchase, or condemnation, any land, or other property, necessary for the construction, use, maintenance, repair, and improvement of any works required for the purpose of drainage as provided herein. In case of condemnation, the board shall proceed, in the name of the district, under the provisions of title seven of part three of the Code of Civil Procedure of this State, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of property which may be condemned, taken, or appropriated under the

Meetings of the board of directors.

Powers of board.

provisions of this Act, is a public use, subject to regulation and control of the State in the manner prescribed by law.

Title to  
property,  
and powers  
of board.

SEC. 13. The legal title to all property acquired under the provisions of this Act shall vest in such district, and shall be held by the same in trust for, and the same 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 such property as herein provided. 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 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, and to enforce, maintain, protect, or to preserve any and all rights, privileges, and immunities created by this Act, or acquired in pursuance thereof. And in all courts, actions, suits, and proceedings, the said board may sue, appear, and defend, in person or by attorney, and in the name of such drainage district.

Assess-  
ment book

SEC. 14. Upon the adoption of a plan of drainage by the board of directors of any district organized under the provisions of this Act, said board shall prepare an assessment book for such district, with proper headings, in which must be listed all lands within the district, specifying in separate columns and under appropriate heads:

Showing.

First—The name or names of the owner or owners to whom the land is listed. If the name or names is not known to the board, the land shall be listed to "unknown owners."

Second—A description of each forty-acre tract or lot by township, range, section, and fractional section, and when such tract or lot is not a congressional subdivision, by metes and bounds, or other description sufficient to identify it, giving the locality and an estimate of the number of acres.

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

Said assessment book shall also contain proper columns and headings for entries, showing:

First—The amount of assessments as fixed by the board of assessment commissioners on each forty-acre tract or lot, or fraction thereof.

Second—The amount of assessment fixed by said commissioners on each city and town lot.

Third—All changes made by the board of directors in such assessments when acting as a board of equalization.

Fourth—The total amount of all assessments after equalization by the board of directors.

Fifth—Such other matters as the board of directors may require.

Duties of  
assessment  
commis-  
sioners.

SEC. 15. The board of directors shall deliver the assessment book, when completed, to the board of assessment commissioners, together with a report showing the total estimated cost, includ-

ing expenses of organization and of purchases or condemnation of property, of the work contemplated in the plan of drainage adopted for the district, and the estimated cost for repairs, and the incidental expenses of such district, for the ensuing ten years. The board of assessment commissioners shall thereupon, as soon as practical, proceed to ascertain, determine, and assess upon each forty-acre tract, or fraction thereof, and each city or town lot, within the district, an assessment in proportion to the entire cost, as estimated by the board of directors, and the benefits to be derived from drainage to each tract, fraction, city or town lot, and enter such amount, estimated, in United States gold coin, in the proper column in the said assessment book, and return the same, with the columns added up, to the board of directors. The board of directors must immediately give notice of the reception of said assessment, and of the time they, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for such meeting shall not be less than ten nor more than twenty days from the first publication of the notice, and in the meantime the assessment book must remain in the office of the board for the inspection of all persons interested.

Notice of meeting to equalize assessments.

SEC. 16. 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 (excluding Sundays) as long as necessary, not to exceed ten days, to hear and determine such objections to the valuation and assessment as may come before them, and to equalize the assessment, and the board may change the valuation as may be just. The secretary of the board must be present during its sessions, and note all changes made in the assessment, 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 and assessments, as finally equalized by the board, extended into columns and added up. The sums thus fixed against each forty-acre tract, or fraction thereof, and against each city and town lot, shall be the basis for all assessments within such district for the next ensuing ten years; *provided*, that the board of directors may thereafter, whenever in their judgment a new assessment of all the land within the district becomes necessary, order such new assessment to be made either by the same board of assessment commissioners or by a new board to be elected for that purpose at the next ensuing regular election in such district. In the latter case notice shall be given for the election of such board of assessment commissioners, and such election shall be conducted in all respects as herein provided for the election of such board in the first instance.

Board of directors to sit as a board of equalization.

Basis of assessment for ten years.

SEC. 17. The board shall then determine the portion of the costs and expenses estimated, as provided in section fifteen of this Act, it will be necessary to raise for the ensuing fiscal year, and shall levy an assessment upon the equalized sums charged upon each tract or lot listed in the assessment book sufficient

Tax levy.

to raise the amount so determined; and shall annually thereafter, whenever further assessments for such purposes are necessary, levy the same in like manner. 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 on each tract and lot therein enumerated. When collected, the assessment shall be paid into the county treasury of the county where the district was organized, and 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 the district, in a fund to be called the "Fund of ——— Drainage District," and 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 of the same only upon warrants of the board of directors, signed by the president and attested by the secretary. The treasurer shall report in writing, at each regular meeting of the board of directors, and as often thereafter as requested by the board, the amount of money in the fund, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Duty of  
County  
Treasurer.

Duty of  
district  
treasurer

Lien  
against  
property

SEC. 18. The assessment authorized by the preceding section is a lien against the property assessed from and after the date when the same is made and entered in the assessment book, as provided in said section, and such lien shall continue until such assessment is paid, or the property assessed is sold for the payment thereof.

Tax  
Collector,  
duties.

SEC. 19. The Tax Collector of the county where the district was organized is hereby constituted ex officio tax collector for the district, and the secretary of the board of directors must, as soon as practicable after the same is completed, deliver to such Tax Collector the assessment book, who is hereby authorized and directed to receive and receipt for the same, and within ten days thereafter publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable at his office, and, if not before paid, will become delinquent at six o'clock P. M. on the last Monday in December next thereafter, when five per cent will be added to the amount thereof, which notice shall be published for a period of four weeks. The collector must mark the date of payment of any assessment in the assessment book opposite the name of the person paying, or the property on which the same is paid, and give a receipt to the person making such payment, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the last Monday in December, at six o'clock P. M. at each year, all unpaid assessments are delinquent, and thereafter the collector must collect thereon an addition of five per cent for the use of the district.

Delin-  
quent list,  
and sales.

SEC. 20. On or before the first day of February, the collector must publish the delinquent list, which must contain the names of the persons, or as "unknown," where the same is not known, 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 delinquent assessments, together with costs and percentage, are paid, the property assessed will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper in each county in which the property on which the assessment is delinquent is situated. 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 in front of the court-house of the county where the district was organized. Day of sale.

SEC. 21. 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 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 the sale, of which he must give notice, the collector, between the hours of ten 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 sales or sale from day to day, but the same must be completed within three weeks from the day first fixed. If any sale or sales be stayed by judicial process, the time of such stay is not part of the time limited for making such sale or sales. Penalties for delinquency.

SEC. 22. The owner or person in possession of any property 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 such person 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 does not pay the assessments and costs before ten o'clock A. M. the following day, the property on the next sale day must be resold for the assessments and costs. In case there is no purchaser in good faith for the property on the first day it is offered for sale, then when the same is offered thereafter for sale, and there is no purchaser in good faith, the entire property assessed shall be struck off to the drainage district within which the tract, parcel, or lot is situated, as the purchaser, and the duplicate certificate of sale delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the collector shall make an entry, "Sold to the district," and he shall be credited with the amount thereof in his settlement. A drainage district, as purchaser at such sale, shall be entitled to the same rights as an individual purchaser, and the title so acquired by the Proceedings at sale.

Rights of delinquent owner.

Resale.

District may purchase.

Rights of districts as purchaser

district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of the board of directors; *provided*, that authority to so convey must be confirmed by resolution of the board, entered on its minutes, fixing the price, not less than the reasonable market value of the property, which shall not be sold at less than the price fixed. After receiving the amount

Certificates of sale

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 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 is situated.

SEC. 23. Before delivering any certificate the collector 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 the 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 with the purchaser, and is only divested by payment to him or to the collector for his use, the purchase money, and two per cent per month from the day of sale until redemption.

Public record.

Right of redemption

SEC. 24. 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 such person or his assignee. 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 presentation of the receipt of the person named in the certificate, or of the collector for his use of the total amount of 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 same, 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 grantee, for the use of the district, two dollars for making such deed.

Deed to property purchased at the delinquent sale.

Fee.



SEC. 25. 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:

Deed is prima facie evidence, of what.

First—The property was assessed as required by law.

Second—That 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—That at a proper time and place the property was sold as prescribed by law, and by the proper officer.

Sixth—That the property was not redeemed.

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

Such deed, duly acknowledged or proved (except as against actual fraud), is conclusive evidence of the regularity of all proceedings from the assessment by the board of assessment commissioners, 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 by this State, in which case it is prima facie evidence of the right of concession.

SEC. 26. The assessment book, or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments, against any property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such assessments have been complied with.

Assessment book is prima facie evidence.

SEC. 27. 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.

Misnomer does not invalidate.

SEC. 28. On the first Monday of 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:

Settlement between collector and secretary.

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

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

He shall also file in the office of the secretary on each settlement the receipt of the treasurer for the money so paid. The collector shall be accountable, upon his official bond, for all moneys collected by him, and for the faithful performance of all duties imposed upon him by this Act.

SEC. 29. The board of directors shall have power to construct the works necessary for drainage purposes across any street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross, in such manner as to afford security for life and property; and shall restore the same, when crossed or intersected, to its former state as near as

Powers of directors, right of way, etc.

may be, or in such manner as not to have impaired, unnecessarily, its usefulness. Every company whose railroad, and the Board of Supervisors, where any public highway shall be intersected or crossed by said works, shall unite with said board of directors in forming such intersections and crossings, and grant the privilege aforesaid; and if said railroad company, or said Board of Supervisors, or the owners and controllers of said property, thing, or franchise so to be intersected or crossed, and said board of directors, cannot agree upon the amount to be paid therefor, or the points or manner of such crossings or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to the taking property by condemnation. The right of way is hereby given, dedicated, and set apart to locate, construct, and maintain such necessary drainage works over and through any lands which are now or may be the property of this State.

Claims  
against  
district

SEC. 30. All claims against the district must be presented to the board for audit and allowance, and if legal charges against the district, the same must be paid by the treasurer, on warrants of the district, signed by the president of the board, and countersigned by the secretary; *provided*, that the board shall not have power to audit or allow any claim against the district, or to draw any warrant for the payment of the same, which shall exceed in any fiscal year the revenue provided for such fiscal year.

Compensa-  
tion of  
directors,  
etc.

SEC. 31. Each member of the board of directors shall receive three dollars per day for each day's attendance at the meetings of the board, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation of the assessment commissioners, secretary, treasurer, and collector, which shall be paid out of the treasury of the district in like manner as other expenses are paid.

SEC. 32. 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 drainage.

SEC. 33. This Act shall take effect from and after its passage.

#### CHAPTER CCXXIX.

*An Act to authorize the Board of Fish Commissioners of the State of California to purchase or construct a gasoline launch, to aid in carrying out the purposes of said board, and appropriating money therefor.*

[Approved March 31, 1897.]

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

Gasoline  
launch for  
Fish Com-  
mission.

SECTION 1. The Board of Fish Commissioners of this State are hereby authorized and empowered to cause to be purchased

or constructed a gasoline launch of light draft suitable to patrol the waters of this State.

SEC. 2. Said launch when purchased or constructed shall be under the exclusive control of the said Board of Fish Commissioners, and shall be used by them in carrying out the purposes of said board.

SEC. 3. The claims for purchasing or constructing said launch shall be presented to and allowed by the State Board of Examiners.

SEC. 4. The total cost of said launch shall not exceed the sum of two thousand six hundred dollars, of which sum one thousand one hundred dollars is now on hand, resulting from the sale of steam launch "Governor Stoneman," and said Board of Fish Commissioners are hereby authorized and empowered to use said sum of one thousand one hundred dollars in the purchase or construction of said gasoline launch. Appropriations for same.

SEC. 5. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, in addition to said sum of one thousand one hundred dollars, for the purpose of purchasing or constructing said launch, and the Controller of State is hereby authorized to draw his warrant in favor of said Board of Fish Commissioners for said sum of one thousand five hundred dollars, in addition to the sum of one thousand one hundred dollars already on hand, and the Treasurer of State is hereby directed and authorized to pay the same.

SEC. 6. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

## CHAPTER CCXXX.

*An Act to repeal sections six hundred and twenty-eight a, six hundred and thirty, six hundred and thirty-two a, six hundred and thirty-two b, six hundred and thirty-three, and to amend sections six hundred and twenty-eight, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code of the State of California, relating to fish.*

[Approved March 31, 1897.]

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

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

628. Every person who takes or catches, buys, sells, or has in his possession, any striped bass of less than three pounds in weight; every person who, at any time, takes, catches, or kills any black bass, except with hook and line; every person who takes, catches, or kills, or buys, sells, exposes or offers for sale, or has in his possession, any black bass, between the first day of Close season for striped bass. Black bass.

- Lobster or  
crawfish. January and the first day of July of each year; every person who takes, catches, or kills, or buys, sells, exposes or offers for sale, or has in his possession, any lobster or crawfish, between the fifteenth day of May and the fifteenth day of July of each year; every person who, at any time, buys, sells, exposes or offers for sale, or has in his possession any lobster or crawfish of less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers; every
- Crab. person who, at any time, buys, sells, exposes or offers for sale, or has in his possession any female crab; every person who, at
- Sturgeon. any time, buys, sells, exposes or offers for sale, or has in his possession any sturgeon of less than three feet in length; every person who takes, catches, or kills, or buys, sells, offers or exposes to sell, or has in his possession any fresh sturgeon, between the first day of April and the first day of September of each year; every person who by seine or 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 buys, sells, offers or exposes for sale, or has in his possession any such fish, fresh or dried; every person who catches, takes, or carries away any fish from any pond or reservoir belonging to or controlled by the State Board of Fish Commissioners, or any person or corporation, without the consent of the owner thereof, which pond or reservoir has been stocked with fish; every person who shall at any time, except with hook and line, take or catch fish of any kind from any river or stream upon which a State or United States fish hatchery is in operation, is guilty of a misdemeanor, and is punishable by a fine not less than twenty dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than ten days nor more than one hundred and fifty days, or by both such fine and imprisonment. All the fines imposed and collected for any violation of any of the provisions of this section shall be paid into the "Fish Commission fund." Nothing in this section shall prohibit the United States Fish Commission and the Fish Commission of this State from taking, at all times, such fish as they deem necessary for the purpose of artificial hatching. It shall be no defense in a prosecution for a violation of any of the provisions of this section that the fish were caught or taken outside or within this State.
- Young fish. Repealed
- Private ponds. SEC. 2. Section 628*a*. Section six hundred and twenty-eight *a* of the Penal Code is hereby repealed.
- Hatchery stream. SEC. 3. Section 630. Section six hundred and thirty of the said Code is hereby repealed.
- Penalty. SEC. 4. Section 632*a*. Section six hundred and thirty-two *a* of the said Code is hereby repealed.
- SEC. 5. Section 632*b*. Section six hundred and thirty-two *b* of the said Code is hereby repealed.
- SEC. 6. Section 633. Section six hundred and thirty-three of the said Code is hereby repealed.
- SEC. 7. Section 635. Section six hundred and thirty-five of the said Code is hereby amended to read as follows:

635. Every person who shall place or cause to be placed in any of the waters of this State, dynamite, gunpowder, or other explosive compound, for the purpose of killing or taking fish, or who shall at any time take, procure, kill, or destroy any fish of any kind by means of explosives; every person who places or allows to pass, or who places where it can pass, into any of the waters of this State, any lime, gas, tar, cocculus indicus, sawdust, shavings, slabs, edgings, mill or factory refuse, or any substance deleterious to fish, is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred and fifty dollars, or imprisonment in the county jail in the county in which conviction shall be had, not less than one hundred and fifty days, or by both such fine and imprisonment. Explosives and mill refuse, etc.  
Penalty.

SEC. 8. Section 636. Section six hundred and thirty-six of the said Code is hereby amended to read as follows:

636. Every person who shall cast, extend, or set any seine or net of any kind, for the catching of any fish in any river, stream, or slough of this State, which shall extend more than one third across the width of said river, stream, or slough, at the time and place of such fishing; every person who shall cast, extend, set, use, or continue, or who shall assist in casting, extending, using, or continuing "Chinese shrimp or bag net," or a net of similar character, for the catching of fish in the waters of this State; every person who shall cast, extend, set, use, or continue, or have in his possession, or who shall assist in casting, extending, or using "Chinese sturgeon lines," or lines of a similar character; every person who shall set, use, or continue, or 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—and every net shall be considered a set-net that is secured in any way and not free to drift with the current or tide—is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than fifty days, or by both such fine and imprisonment; and all the fines imposed and collected for any violation of any of the provisions of this section shall be paid into the "Fish Commissioners' fund." Seines and nets.  
Penalty.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

## CHAPTER CCXXXI.

*An Act making an appropriation to pay for the support of the Southern California State Asylum for the Insane and Inebriates for the remainder of the forty-eighth fiscal year.*

[Approved March 31, 1897.]

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

Appropriation for support of Southern California Asylum.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars, for the support of the Southern California State Asylum for Insane and Inebriates for the remainder of the forty-eighth fiscal year. .

SEC. 2. The Controller is hereby authorized to draw his warrant in favor of the board of trustees of the Southern California State Asylum for the Insane and Inebriates for the amount herein made payable, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXXXII.

*An Act making an appropriation to pay for services of additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners.*

[Approved March 31, 1897.]

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

Appropriation to pay for services of additional counsel, Southern Pacific Company case.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for full payment for services rendered by additional counsel to assist the Attorney-General in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners, in the Circuit Court of the United States for the Northern District of California.

SEC. 2. The amount herein appropriated shall be paid as follows: To W. W. Foote, in full for all of his services rendered in said suit, ten thousand dollars; to Robert Y. Hayne, in full for all of his services rendered in said suit, ten thousand dollars.

SEC. 3. The Controller is authorized to draw his warrant for the sum herein appropriated, and the Treasurer of the State is directed to pay the same.

SEC. 4. This Act shall take effect immediately.

## CHAPTER CCXXXIII.

*An Act to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, and making an appropriation therefor.*

[Approved March 31, 1897.]

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

SECTION 1. There is hereby appropriated out of the "Bank Commissioners' fund" the sum of nine hundred and fifty-seven dollars and thirty cents, to pay the claim of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California.

Appropriation to pay claim of Bank Commissioners.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant against the "Bank Commissioners' fund" in favor of Paris Kilburn, J. B. Fuller, and H. W. Magee, Bank Commissioners of the State of California, for the said sum of nine hundred and fifty-seven dollars and thirty cents, and the State Treasurer is directed to pay the same.

SEC. 3. This Act is exempted from the operation of section number six hundred and seventy-two of the Political Code.

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

## CHAPTER CCXXXIV.

*An Act appropriating eighty-one dollars and ten cents to pay the claim of J. S. Bransford, for services rendered the State of California as Sheriff of Plumas County.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of eighty-one dollars and ten cents (\$81.10) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of J. S. Bransford, for services rendered as the Sheriff of Plumas County in transporting a child from Quincy, in the County of Plumas, to the California Home for the Feeble-Minded.

Appropriation to pay claim of J. S. Bransford.

SEC. 2. The Controller of the State is hereby directed to draw his warrant for the sum of eighty-one dollars and ten cents in favor of J. S. Bransford, and the Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXXXV.

*An Act making an appropriation to pay the claim of the Southern Pacific Company.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of Southern Pacific Company.

SECTION 1. The sum of six thousand and twenty-five dollars and thirty-four cents is hereby appropriated to pay the claim of the Southern Pacific Company (the same having been approved by the State Board of Examiners), for costs of suit taxed against the State of California, by the Supreme Court of the United States.

SEC. 2. The State Controller is hereby authorized to draw his warrant for the amount herein specified, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCXXXVI.

*An Act making an appropriation to pay the deficiency in the appropriation for support of Preston School of Industry at Ione, California, for the forty-eighth fiscal year.*

[Approved March 31, 1897.]

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

Appropriation for deficiency, Preston School of Industry.

SECTION 1. The sum of four 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 support of the Preston School of Industry at Ione, California, for the forty-eighth fiscal year.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the amounts of money herein appropriated, and the State Treasurer is directed to pay the same.

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



## CHAPTER CCXXXVII.

*An Act to appropriate money to pay the directors of the California Institute for the Deaf, Dumb, and Blind, for the grading and paving of Dwight Way, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, superintendent of streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of four hundred and eighty-seven dollars and twenty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the directors of the California Institute for the Deaf, Dumb, and Blind, for the grading, curbing, macadamizing, guttering, culverting, and crosswalking, of Dwight Way in front of the property of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, performed by the Oakland Paving Company, under a contract with Guy H. Chick, superintendent of streets of Berkeley, California, said Chick acting under the general street law of the State of California, which said claim has been duly approved by the State Board of Examiners of this State.

Appropriation for grading at Institute for Deaf, Dumb, and Blind.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of the said directors of the California Institute for the Deaf, Dumb, and Blind of Berkeley, by them to be paid to the Oakland Paving Company, the contractor for said work, for said sum of four hundred and eighty-seven dollars and twenty-five cents (\$487.25), and the Treasurer of State is hereby authorized and directed to pay the same.

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

## CHAPTER CCXXXVIII.

*An Act to appropriate the sum of two hundred and ninety-five dollars and eighty-five cents (\$295.85), to pay the claim of Tribune Printing Company against the State.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of two hundred and ninety-five dollars and eighty-five cents (\$295.85) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to

Appropriation to pay claim of Tribune Printing Company.

pay the claim of the Tribune Printing Company, of San Luis Obispo, California, for publishing list of delinquent purchasers of school lands and summons, June fourth, eighteen hundred and eighty-six, July thirtieth and August thirteenth, eighteen hundred and eighty-six, and June twenty-seventh, eighteen hundred and ninety (as approved by the State Board of Examiners), thirty-seventh, thirty-eighth, and forty-first fiscal years.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

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

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### CHAPTER CCXXXIX.

*An Act to provide for the purchase of a portrait of ex-Governor Henry H. Markham, by the State Board of Examiners, and to appropriate money therefor.*

[Approved March 31, 1897.]

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

Appropriation to purchase portrait of ex-Governor Markham.

SECTION 1. The State Board of Examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of ex-Governor Henry H. Markham, the same to be appropriately framed, at a price not to exceed five hundred dollars; and upon delivery of such portrait, so framed, to the said Board of Examiners, the Controller shall draw his warrant as said Board of Examiners may direct for the amount of the contract price, and the Treasurer is hereby directed to pay the same.

SEC. 2. The sum of five hundred dollars, or so much thereof as may be necessary to pay the Controller's warrant drawn under the provisions of section one of this Act, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose named in section one of this Act.

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

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### CHAPTER CCXL.

*An Act making an appropriation to pay for advertising the constitutional amendments for 1894.*

[Approved March 31, 1897.]

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

Appropriation to pay claim of Merced Sun.

SECTION 1. The sum of one hundred and eighty dollars is hereby appropriated to pay the Merced Sun for advertising the constitutional amendments in the year eighteen hundred

and ninety-four (the same having been approved by the State Board of Examiners).

SEC. 2. The State Controller is hereby authorized to draw his warrant for the above amount, and the State Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

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### CHAPTER CCXLI.

*An Act making an appropriation for the erection of a dairy barn and appurtenances for the Southern California State Asylum for the Insane and Inebriates.*

[Approved March 31, 1897.]

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

SECTION 1. The sum of two thousand nine hundred and ninety-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Southern California State Asylum for the Insane and Inebriates, for the erection of a dairy barn and appurtenances for said asylum.

Appropriation to erect dairy barn, Southern California Asylum.

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant in favor of said board of trustees of said Southern California State Asylum for the Insane and Inebriates for the amount and purpose herein specified.

SEC. 3. This Act shall take effect immediately.

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### CHAPTER CCXLII.

*An Act making appropriations for the support of the government of the State of California, for the forty-ninth and fiftieth fiscal years.*

[Approved April 1, 1897.]

*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 support of the government of the State of California for the forty-ninth and fiftieth fiscal years:

For per diem and mileage of Lieutenant-Governor and Senators, twenty-one thousand five hundred dollars.

Legislative department.

For per diem and mileage of Assemblymen, forty-two thousand dollars.

For pay of officers and clerks of the Senate, eighteen thousand dollars.

For pay of officers and clerks of the Assembly, twenty-one thousand dollars.

For contingent expenses of the Senate, eleven thousand dollars.

For contingent expenses of the Assembly, fifteen thousand dollars.

Judicial  
depart-  
ment.

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

For state's portion of salaries of Judges of Superior Courts, three hundred and fourteen thousand dollars.

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

For salaries of deputy clerks of Supreme Court, twenty-one thousand six hundred dollars.

For salary of reporter of decisions of Supreme Court, five thousand dollars.

For salary of deputy reporter of decisions of Supreme Court, four thousand eight hundred dollars.

For salaries of secretaries of Supreme Court, seven thousand two hundred dollars.

For salaries of bailiffs and performing the work of porters of Supreme Court, six thousand dollars.

For pay of porter for office of Clerk of Supreme Court, nine hundred and sixty dollars.

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

For postage and contingent expenses of Clerk of Supreme Court, eight hundred dollars.

For expenses of Supreme Court, under section forty-seven, Code of Civil Procedure, thirty-seven thousand dollars.

For salary of phonographic reporter of Supreme Court, ten thousand eight hundred dollars.

For salary of librarian Supreme Court library, three thousand dollars.

For postage and contingent expenses of Supreme Court Commissioners, two hundred dollars.

Executive  
depart-  
ment

For salary of Governor, twelve thousand dollars.

For salary of private secretary to Governor, eight thousand dollars.

For salary of executive secretary to Governor, five thousand two hundred dollars.

For salary of stenographer to Governor, three thousand two hundred dollars.

For pay of messenger to Governor, two thousand four hundred dollars.

For special contingent expenses (secret service) Governor's office, ten thousand dollars; exempt from provisions of sections four hundred and thirty-three and six hundred and seventy-two of Political Code.

For postage, expressage, telegraphing, and contingent expenses, Governor's office, two thousand dollars.

For payment of rewards offered by the Governor, five thousand dollars.

For payment of rewards offered by the Governor, illegal voting, two thousand five hundred dollars.

For payment of reward for arrest and conviction of highway robbers, five thousand dollars.

For arresting criminals without the State, ten thousand dollars.

For salary of secretary to Board of Examiners, six thousand dollars. Board of Examiners.

For salary of assistant secretary to Board of Examiners, three thousand six hundred dollars.

For salary of clerk to Board of Examiners, three thousand two hundred dollars.

For salary of expert to Board of Examiners, four thousand dollars.

For traveling expenses of Board of Examiners and expert to Board of Examiners, one thousand dollars.

For postage, expressage, telegraphing, and contingent expenses, Board of Examiners, six hundred dollars.

For pay of porter to Board of Examiners, nine hundred and sixty dollars.

For salary of Secretary of State, six thousand dollars.

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

For salary of bookkeeper, Secretary of State's office, four thousand dollars.

For salaries of clerks, Secretary of State's office, nine thousand six hundred dollars.

For salary of keeper of archives, Secretary of State's office, four thousand dollars.

For salaries of two special clerks, Secretary of State's office, under section four hundred and twenty-two, Political Code, to be expended during the fiftieth fiscal year, one thousand dollars.

For pay of porter, Secretary of State's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, Secretary of State's office, two thousand five hundred dollars.

For contingent and traveling expenses, Secretary of State's office, five hundred dollars.

For purchase of ballot paper, five thousand dollars.

For stationery, fuel, light, other necessary supplies, Legislature and state officers, fifteen thousand dollars.

For boring well, setting stand-pipes, tanks, and laying pipes (Vetoed.) in capitol grounds, five thousand dollars.

For purchasing and placing in position electric plant, including three pumps and three electric motors, twenty-five hundred dollars. (Vetoed.)

For purchase of implements and hose, care and improvement of grounds, ten thousand dollars.

For repairs to capitol building and furniture, exempt from section four of this Act, seven thousand dollars.

For purchase of carpets and furniture, exempt from section four of this Act, three thousand dollars.

For pay of employes of state capitol building and grounds, fifty-five thousand three hundred and sixty dollars.

(Vetoed.)

For extra help necessary for the caring of the state capitol building, including extra firemen, engineers, electricians, elevator attendants, watchmen, porters, and all other such necessary extra help during the thirty-third session of the Legislature, to be expended under direction of the Secretary of State, three thousand dollars.

For salaries of policemen, capitol grounds, seven thousand two hundred dollars.

For salary of elevator attendant, one thousand eight hundred dollars.

For lighting capitol grounds, one thousand seven hundred and twenty-eight dollars.

Controller.

For salary of Controller, six thousand dollars.

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

For salary of bookkeeper, State Controller's office, four thousand dollars.

For salaries of clerks, State Controller's office, nineteen thousand two hundred dollars.

For pay of porter, State Controller's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, State Controller's office, one thousand two hundred dollars.

For contingent and traveling expenses, State Controller, one thousand five hundred dollars.

State  
Treasurer.

For salary of Treasurer, six thousand dollars.

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

For salary of bookkeeper, State Treasurer's office, four thousand dollars.

For salary of clerk, State Treasurer's office, three thousand two hundred dollars.

For salaries of watchmen, State Treasurer's office, seven thousand two hundred dollars.

For pay of porter, State Treasurer's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, State Treasurer, six hundred dollars.

Attorney-  
General.

For salary of Attorney-General, six thousand dollars.

For salary of Assistant Attorney-General, five thousand four hundred dollars.

For salaries of Deputies Attorney-General, fourteen thousand four hundred dollars.

For salaries of clerks, Attorney-General's office, six thousand four hundred dollars.

For salary of stenographer in Attorney-General's office, three thousand six hundred dollars.

For pay of porter, Attorney-General's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, Attorney-General's office, one thousand five hundred dollars.

For traveling expenses, Attorney-General, one thousand dollars.

For costs and expenses of suits wherein the State is a party in interest, four thousand dollars.

For office rent of Attorney-General in San Francisco, two thousand four hundred 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, Surveyor-General's office, and Register state land office, twelve thousand eight hundred dollars.

For pay of porter, Surveyor-General's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, Surveyor-General's office, one thousand dollars.

For contingent expenses, Surveyor-General's office, four hundred dollars.

For purchase of and copying maps, Surveyor-General's office, three 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 land, 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, Superintendent of Public Instruction's office, three thousand two hundred dollars.

For salary of clerk and stenographer, Superintendent of Public Instruction's office, two thousand four hundred dollars.

For clerical assistance in Superintendent of Public Instruction's office, in distributing state school books, four thousand dollars.

For pay of porter, Superintendent of Public Instruction's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, Superintendent of Public Instruction's office, one thousand six hundred dollars.

For contingent and traveling expenses (including traveling expenses under section fifteen hundred and thirty-two of the Political Code), three thousand dollars.

For salary of State Librarian, six thousand dollars.

State Librarian.  
(Vetoed.)

For salary of two Deputy State Librarians, seven thousand two hundred dollars.

(Vetoed.)

For salary of porter, State Librarian's office, twenty-four hundred dollars.

(Vetoed.)

For salary of Adjutant-General, six thousand dollars.

Adjutant-General.

For salary of Assistant Adjutant-General, four thousand eight hundred dollars.

For salary of clerk and performing the work of porter, Adjutant-General's office, two thousand four hundred dollars.

For postage, expressage, Adjutant-General's office, six hundred dollars.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, one thousand eight hundred dollars.

National  
Guard.

For armory rents and other expenses of the National Guard, one hundred and fifty-five thousand six hundred dollars.

For allowance division headquarters, one thousand two hundred dollars.

For purchase of uniforms, National Guard, thirty-two thousand dollars; exempt from the provisions of section four of this Act.

For furnishing coal and other supplies for the training ship Comanche, National Guard, five thousand dollars.

For allowance for brigade headquarters, National Guard, six thousand eight hundred and sixteen dollars.

For target practice and purchase of medals, National Guard, eight thousand dollars.

For hospital supplies, three brigades, National Guard, three thousand dollars.

For traveling expenses of officers on detail duty, National Guard, four thousand dollars.

For armory rents and other expenses for one additional company, National Guard, two thousand four hundred dollars.

For annual allowance for one additional company, National Guard, five hundred dollars.

For uniforms for one additional company, National Guard, four hundred and eighty dollars.

For armory rents and other expenses for one additional company, Naval Reserve of the National Guard, one thousand six hundred dollars.

For annual allowance National Guard, thirty thousand four hundred and sixty-six dollars and sixty-six cents.

For allowance regimental headquarters, including allowance for bands, eleven thousand eight hundred and thirty-two dollars.

For encampment National Guard, for forty-ninth fiscal year, thirty thousand dollars; exempt from provisions of section four of this Act.

Superin-  
tendent of  
State  
Printing.  
(Vetoed.)  
(Vetoed.)

For salary of Superintendent of State Printing, six thousand dollars.

For support of State Printing Office, including pay of employes, purchasing supplies, type, machinery, permanent material, and for improvements, etc., exempt from the provisions of section four of this Act, two hundred and seventy-five thousand dollars.

(Vetoed.)

For school text-books department, pay of employes, and for stock and material, etc., forty thousand dollars; subject to the provisions of an Act 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," approved March eighteenth,



eighteen hundred and eighty-seven. And the same is hereby exempted from the provisions of section four of this Act.

For salary of secretary to State Board of Health, five thousand dollars. State Board of Health.

For salary of attorney to State and San Francisco Boards of Health, six thousand dollars.

For traveling and contingent expenses of State Board of Health, three thousand dollars.

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

For salary of Deputy Insurance Commissioner, three thousand six hundred dollars.

For traveling and contingent expenses and attorney's fees of the Insurance Commissioner, four thousand dollars.

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

For salary of secretary to Board of Railroad Commissioners, four thousand eight hundred dollars.

For salary of bailiff, Railroad Commissioners, two thousand four hundred dollars.

For pay of stenographer, Railroad Commissioners, one thousand dollars.

For fuel, lights, postage, expressage, and incidental expenses, Railroad Commissioners, one thousand dollars.

For traveling expenses, etc., Railroad Commissioners, five hundred dollars.

For office rent, Railroad Commissioners, one thousand two hundred dollars.

For salaries of the members of the State Board of Equalization, twenty-four thousand dollars. State Board of Equalization.

For salary of clerk, State Board of Equalization, four thousand eight hundred dollars.

Pay of porter, State Board of Equalization, nine hundred and sixty dollars.

For traveling and contingent clerical expenses, State Board of Equalization, ten thousand dollars.

For postage, expressage, telegraphing, and contingent expenses, State Board of Equalization, seven hundred and fifty dollars.

For salary of Commissioner of Public Works, for twenty months, five thousand dollars. Commissioner of Public Works.

For salary of secretary of Commissioner of Public Works, twenty months, three thousand dollars.

For salary of guardian Yosemite Valley, three thousand dollars. Yosemite Valley.

For traveling expenses of Yosemite Valley Commissioners, one thousand five hundred dollars.

For care of Yosemite Valley, fifteen thousand dollars.

For clearing out underbrush, etc., in Yosemite Valley, five thousand dollars.

For care of Mariposa big tree grove, one thousand dollars.

For salary of Debris Commissioner, seven thousand two hundred dollars. Debris Commissioner.

For salary of secretary to Debris Commissioner, three thousand dollars.

For traveling expenses of the Debris Commissioner, six hundred dollars.

**Stockton Asylum.** For support of Insane Asylum at Stockton, two hundred and nine thousand dollars.

For salaries of officers and employés of Insane Asylum at Stockton, one hundred and ninety-six thousand dollars.

**Napa Asylum.** For support of Insane Asylum at Napa, two hundred and fourteen thousand dollars.

For salaries of officers and employés at Insane Asylum at Napa, one hundred and eighty-six thousand dollars.

**Agnews Asylum.** For support of Insane Asylum at Agnews, one hundred and forty-four thousand five hundred and seventy-six dollars.

For salaries of officers and employés at Insane Asylum at Agnews, one hundred and twenty-four thousand eight hundred dollars.

**Mendocino Asylum.** For support of Mendocino Asylum, ninety thousand dollars.

For salaries of officers and employés of Mendocino Asylum, seventy thousand dollars.

**Southern California Asylum.** For support of Southern California Hospital for Insane and Inebriates, one hundred and twenty thousand dollars.

For salaries of officers and employés of Southern California Hospital for Insane, seventy thousand dollars.

**Deaf, Dumb, and Blind Asylum.** For support of Deaf, Dumb, and Blind Asylum at Berkeley, seventy-nine thousand three hundred dollars.

For salaries of officers and employés of Deaf, Dumb, and Blind Asylum at Berkeley, forty thousand dollars.

**Home for Feeble-Minded Children.** For support of Home for Feeble-Minded Children, one hundred thousand dollars.

For salaries for officers and employés of Home for Feeble-Minded Children, sixty thousand dollars.

**Home for Adult Blind.** For support of Home for Adult Blind, twenty-five thousand seven hundred and twenty dollars.

For salaries of officers and employés of Home for Adult Blind, nineteen thousand two hundred and eighty dollars.

**Veterans' Home. (Vetoed.)** For support of Veterans' Home at Yountville, ninety thousand dollars.

For transportation of insane, fifty thousand dollars.

**Transporting insane. State Prison at San Quentin. (Vetoed.)** For support of State Prison at San Quentin, two hundred thousand dollars.

For salaries of officers and employés of State Prison at San Quentin, one hundred and twenty thousand dollars.

For the claim of Marin County for moneys expended by it for prosecution of crimes committed within the State Prison at San Quentin, four thousand two hundred and twenty-nine dollars and fifty cents.

**State Prison at Folsom.** For support of State Prison at Folsom, one hundred and nineteen thousand dollars.

For salaries of officers and employés of State Prison at Folsom, one hundred thousand dollars.

**Transporting prisoners.** For transportation of prisoners to the state prisons, and children committed to the Whittier State School, Preston School of Industry, and Santa Clara State School, seventy thousand dollars.

For support of Whittier State School, one hundred and eight thousand eight hundred dollars. Whittier State School.

For salaries of officers and employés of Whittier State School, ninety-one thousand two hundred dollars.

For purchase of band instruments, Whittier State School, five hundred dollars.

For purchase of books for library, Whittier State School, one thousand five hundred dollars.

For replacing wornout furniture, bedding and mattresses, Whittier State School, one thousand dollars.

For support of Preston School of Industry, seventy thousand dollars. Preston School of Industry.

For salaries of officers and employés of Preston School of Industry, fifty-five thousand dollars.

For purchase of printing material, blacksmith and carpenter tools, books for library, cows and horses, for Preston School of Industry, two thousand five hundred dollars.

For purchase of material and construction of fencing, of ice plant and enlarging cow barn, Preston School of Industry, two thousand six hundred dollars. (Vetoed.)

For support of Santa Clara State School, thirty-five thousand dollars. Santa Clara School. (Vetoed.)

For supplies of State Normal School at San José, eight thousand dollars. San José Normal School.

For salaries of officers, teachers, and employés of the State Normal School at San José, ninety-two thousand dollars.

For use of library, museum, and purchase of scientific apparatus, State Normal School at San José, two thousand five hundred dollars.

For care and improvement of grounds, State Normal School at San José, five thousand dollars.

For supplies State Normal School at Los Angeles, eight thousand dollars. Los Angeles Normal School.

For salaries of officers, teachers, and employés of State Normal School at Los Angeles, ninety-two thousand dollars.

For use of library, museum, and purchase of scientific apparatus, State Normal School at Los Angeles, two thousand five hundred dollars.

For care and improvement of grounds, State Normal School at Los Angeles, three thousand dollars.

For supplies State Normal School at Chico, three thousand five hundred and seventy-two dollars. Chico Normal School.

For salaries of officers, teachers, and employés of State Normal School at Chico, fifty-two thousand four hundred and twenty-eight dollars.

For use of library and museum, and purchase of scientific apparatus, State Normal School at Chico, two thousand dollars.

Care and improvement of grounds, State Normal School at Chico, two thousand dollars.

For salary of the commissioner, Bureau of Labor Statistics, six thousand dollars. Bureau of Labor Statistics.

- Bureau of Labor Statistics. For salary of the deputy commissioner, Bureau of Labor Statistics, three thousand six hundred dollars.
- For office rents, Bureau of Labor Statistics, one thousand two hundred dollars.
- For salary of assistants, traveling and contingent expenses, Bureau of Labor Statistics, seven thousand five hundred dollars.
- State Board of Horticulture. For use of State Board of Horticulture, ten thousand dollars.
- For salary of the secretary of the State Board of Horticulture, four thousand two hundred dollars.
- For salary of clerk to the secretary of the State Board of Horticulture, one thousand two hundred dollars.
- For salary of clerk to the Publishing and Quarantine Bureau, four thousand two hundred dollars.
- State University. (Vetoed.) For use of State University, Department of Viticulture, ten thousand dollars.
- (Vetoed.) For use of State University, Forestry Stations, eight thousand dollars.
- (Vetoed.) For State University, Department of Agriculture, for experimental purposes, relative to the diseases, breeding, and other necessary information connected with the raising and care of poultry in this State, and the issuance of bulletins concerning same, five thousand dollars.
- Fish and game. For restoration and preservation of game, five thousand dollars.
- For restoration and preservation of fish, twenty thousand dollars.
- For support and maintenance of state hatcheries, twenty thousand dollars.
- For costs and expenses of suits for violation of fish and game laws, two thousand dollars.
- Mining Bureau. For support of the Mining Bureau, including salaries, at least fifty per cent of said sum to be expended for field work and scientific research, fifty thousand dollars.
- Advertising. For official advertising, three thousand dollars.
- State Board of Education. For traveling expenses, State Board of Education, five hundred dollars.
- State burial grounds. For care of state burial grounds, two hundred dollars.
- Hastings College of the Law. For payment of interest on one hundred thousand dollars to Hastings College of Law, fourteen thousand dollars.
- For rent of rooms for Hastings College of Law, two thousand four hundred dollars.
- Marshall monument. For salary of guardian Marshall monument and grounds, one thousand two hundred dollars.
- Sutter's Fort. For salary of guardian of Sutter's Fort, one thousand two hundred dollars.
- Department of Highways. For salaries of the Commissioners of the Department of Highways, eighteen thousand dollars.
- For salary of secretary of the Department of Highways, three thousand dollars.
- For salary of the stenographer of the Department of Highways, two thousand four hundred dollars.

For traveling and contingent expenses of the Department of Highways, eight thousand five hundred dollars.

For aid to State Agricultural Society (*provided*, that the State Agricultural Society create and maintain a statistical department for the annual collection, compilation, and distribution of statistics relating to the products and resources of the State), forty thousand dollars.

State Agricultural Society.

For aid to District Agricultural Society Number One, ten thousand dollars.

District Agricultural Societies

For aid to District Agricultural Society Number Two, five thousand dollars.

(vetoed).

For aid to District Agricultural Society Number Three, two thousand dollars.

For aid to District Agricultural Society Number Four, five thousand dollars.

For aid to District Agricultural Society Number Five, five thousand dollars.

For aid to District Agricultural Society Number Six, five thousand dollars.

For aid to District Agricultural Society Number Seven, three thousand dollars.

For aid to District Agricultural Society Number Eight, two thousand dollars.

For aid to District Agricultural Society Number Nine, three thousand dollars.

For aid to District Agricultural Society Number Ten, one thousand five hundred dollars.

For aid to District Agricultural Society Number Eleven, three thousand dollars.

For aid to District Agricultural Society Number Twelve, three thousand dollars.

For aid to District Agricultural Society Number Thirteen, three thousand dollars.

For aid to District Agricultural Society Number Fourteen, three thousand dollars.

For aid to District Agricultural Society Number Fifteen, two thousand dollars.

For aid to District Agricultural Society Number Sixteen, two thousand dollars.

For aid to District Agricultural Society Number Seventeen, two thousand dollars.

For aid to District Agricultural Society Number Eighteen, three thousand dollars.

For aid to District Agricultural Society Number Nineteen, one thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty, one thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-one, four thousand dollars.

For aid to District Agricultural Society Number Twenty-two, three thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-three, three thousand dollars.

District  
Agricul-  
tural  
Societies  
(vetoed).

For aid to District Agricultural Society Number Twenty-four, three thousand dollars.

For aid to District Agricultural Society Number Twenty-five, three thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-six, two thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-seven, three thousand dollars.

For aid to District Agricultural Society Number Twenty-eight, four thousand dollars.

For aid to District Agricultural Society Number Twenty-nine, two thousand dollars.

For aid to District Agricultural Society Number Thirty, two thousand dollars.

For aid to District Agricultural Society Number Thirty-one, two thousand dollars.

For aid to District Agricultural Society Number Thirty-two, two thousand dollars.

For aid to District Agricultural Society Number Thirty-three, two thousand dollars.

For aid to District Agricultural Society Number Thirty-four, one thousand five hundred dollars.

For aid to District Agricultural Society Number Thirty-five, two thousand dollars.

For aid to District Agricultural Society Number Thirty-six, three thousand dollars.

For aid to District Agricultural Society Number Thirty-seven, one thousand five hundred dollars.

For aid to District Agricultural Society Number Thirty-eight, two thousand dollars.

For aid to District Agricultural Society Number Thirty-nine, two thousand dollars.

For aid to District Agricultural Society Number Forty, three thousand five hundred dollars.

For aid to District Agricultural Society Number Forty-one, one thousand five hundred dollars.

For aid to District Agricultural Society Number Forty-two, two thousand dollars.

For aid to District Agricultural Society Number Forty-three, one thousand five hundred dollars.

For aid to District Agricultural Society Number Forty-four, two thousand dollars.

*Provided*, that no moneys appropriated for agricultural societies shall be drawn, used, or paid for racing or speed contests.

How  
disbursed.

SEC. 2. The sums that are herein appropriated for 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. The sums herein appropriated for the expenses of the National Guard shall be audited by the board of military auditors, as required by sections two thousand and ninety-three and two thousand and ninety-nine of the Political Code. Not more than five hundred

dollars of the moneys hereby appropriated for the support of each 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 material 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.

Detailed statement to be submitted with biennial reports.

Demands to be itemized.

SEC. 4. Not more than one twenty-fourth part of the amount appropriated under this Act for each department or institution for the two years ending June thirtieth, eighteen hundred and ninety-nine, shall be expended during any one month without the consent of the State Board of Examiners, and not more than one half of such appropriation during the forty-ninth fiscal year, unless the same has been expressly authorized by this Act.

Monthly allowance.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this Act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the State Board of Examiners be first obtained, and a certificate, in writing, duly signed by a majority of the members of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said State Board of Examiners, nor paid out of any state appropriations.

Expenditures in excess of appropriation.

SEC. 6. No money appropriated by this Act shall be used to renew, or pay for the renewal of, any insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing

Insurance.

office and its contents, and the pavilion of the State Agricultural Society.

Veto  
message.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }  
SACRAMENTO, April 1, 1897. }

This bill, being Assembly Bill No. 937, entitled "An Act making appropriations for the support of the government of the State of California for the forty-ninth and fiftieth fiscal years," is approved with the exception of the following items, to which I object, and the following are my objections thereto, and the reasons therefor, to wit:

State Capitol building and grounds.

*Objection 1.* I object to the item, "For boring well, setting stand-pipes, tanks, and laying pipes in Capitol grounds, five thousand dollars," for the following reasons, viz.: This item is objected to and not approved for the reason that it is not sustained by existing laws, is a permanent improvement, is not expressed in the title to the Act, and is in violation of sections twenty-four and twenty-nine, article four, of the Constitution of this State. The appropriation should have been made by special act. If such items be allowed in the general appropriation bill special appropriation acts may be done away with, and the general appropriation bill loaded with appropriations for permanent improvements to State institutions, and not subserve the purpose for which it is intended by the Constitution—*i. e.*, to provide solely for "support." Were the items mere repairs they would be allowable.

*Objection 2.* "For purchasing and placing in position electric plant, including three pumps and three electric motors, twenty-five hundred dollars." This item is objected to and not approved for the reasons given in objection one, in objecting to the item last above disapproved.

*Objection 3.* The item, "For extra help necessary for the caring of the State Capitol building, including extra firemen, engineers, electricians, elevator attendants, watchmen, porters, and all other such necessary extra help during the thirty-third session of the Legislature, to be expended under the direction of the Secretary of State, three thousand dollars." This item is objected to and not approved for the reason that the same is unnecessary, unauthorized, and indefinite. Such expenses have heretofore been paid out of the appropriations for the contingent expenses of the Legislature.

State Library.

*Objection 4.* The item, "For salary of State Librarian, six thousand dollars," is objected to and not approved for the reason that the support of the State Library is provided for by special fund set apart as the "library fund," which fund is not sustained or supplied by taxes, but from fees collected for services rendered or property sold by certain State officers. Said fund being for the maintenance of the library, there is no more reason why the same should be exempted from the payment of the salary of the Librarian than from the payment of the other expenses of such library, and unless there be some provision of law, which I have not yet seen, prohibiting the payment of such salary from such fund, and requiring its payment by an appropriation, I believe the Librarian should first look to the library fund for his salary. The custom has heretofore been to make appropriations for these salaries, but, after careful consideration, my conclusion is that the library fund must maintain the library, or a special act of the Legislature provide otherwise.

*Objection 5.* The item, "For salary of two Deputy State Librarians, seven thousand two hundred dollars," is objected to and not approved for the reasons given in objection four to the item for the salary of the State Librarian, and such objections are made part of this objection.

*Objection 6.* The item, "For salary of porter State Librarian's office, twenty-four hundred dollars," is objected to and not approved for the reasons given in the last two objections, and said objections are made a part hereof and constitute my objections to this item.

Superintendent of State Printing.

*Objection 7.* The item, "For salary of Superintendent of State Printing, six thousand dollars," is objected to and not approved for the reason that the same will be paid under the general law of the State, though not appropriated by this Act, and because its elimination is necessary to render futile the attempt made, by the amendment to section five of this Act, to confer upon a majority of the Board of Examiners a power which for years past, through an unbroken succession of Appropriation Acts, has been conferred only upon the entire board. Such attempted change in the law can only apply in the cases of departments, officers, boards, and institutions, "for whose benefit and support appropriations are made in this Act." The evident purpose of the change in section five was to render it possible to prevent the Governor from exercising some of his constitutional powers and to prevent his veto, as a member of the Board of Examiners, on what he might deem an unnecessary expenditure of public money, or an improper discharge of duty by a subordinate officer. There can be no doubt that the controversy between the State Printing Office and the Chief Executive of the State has led certain political opponents to cunningly incorporate into the general appropriation bill, during the closing days of an excited session, this most unusual provision, and the Executive of the State deems it his duty, in order to maintain his consti-



tutional right and discharge his obligations to the public, to prevent the injurious operation of this clause of the general appropriation bill. Had the attempt been made by a separate bill, it could never have been enacted, but being inserted in the general appropriation bill, it was evidently thought that the Governor must acquiesce therein, reject the entire bill, and call an extra session of the Legislature to provide for the support of all the state institutions, or perhaps submit to being overruled as to all matters of deficiency and difference that might arise between himself and the State Printing Office. The author of the change, however, in making the same, overlooked the clause, "for whose benefit and support appropriations are made in this Act," and has thus given the Governor the power, without any damage to any state institution, of preventing the accomplishment of the design intended. The injustice of the proposition intended to be grafted on the laws by such a clause will be clearly seen when it is considered that the Constitution vests in the Governor the power to object to any legislative bill, no matter what appropriation it may carry, and that under this Constitution his objection can be only overcome by a vote of two thirds of the members elected to each branch of the Legislature, and that the Constitution, recognizing that when the Legislature had closed its session the Governor should be the one official charged with passing upon the appropriations for state institutions, and laws passed by the Legislature, and has conferred on him the absolute power to strike from any appropriation bill any item of expenditure, or by his objection thereto to prevent any measure, even though it may have received the unanimous vote of both houses, from becoming law, provided it did not reach the Governor upward of ten days prior to the adjournment of the Legislature, yet here is an attempt to reach beyond the Legislature and permit deficiencies in any amount, after its adjournment, by a board created under statute, and to prevent the veto power of the Governor from having effect, and giving to a majority of this board a power denied by the Constitution to the Legislature itself. Under the circumstances, I deem it my duty to eliminate all appropriations for the department in whose behalf this clause was inserted, and over which I have no proper power of control, and which powers, though promised by the committee of the Legislature appointed to confer with the Board of Examiners, were never given. No harm can be done by this elimination, for each department of the State can, in case of necessity, out of its appropriation, pay for such printing as it has done at the State Printing Office or elsewhere, and if they did not have such power, there is no doubt that under the Act of 1893 (Statutes 1893, p. 285) a deficiency could be created in their contingent or other fund, or for the support of the State Printing Office, that would authorize all of the state printing necessary.

Veto message, continued.

*Objection 8.* The item, "For support of State Printing Office, including pay of employes, purchasing supplies, type, machinery, permanent material, and for improvements, etc., exempt from the provisions of section four of this Act, two hundred and seventy-five thousand dollars," is objected to and not approved, first, because the same is excessive; second, for the reasons given in objection seven to the item for the salary of the Superintendent of State Printing, which objection is hereby referred to and made a part hereof; and, third, for the reasons stated in objections two and three hereof, to the items for boring well, etc., and "for purchasing and placing in position electric plant, etc," which objections are hereby referred to and made a part hereof; and because the same is in violation of sections twenty-four and twenty-nine, article four, of the Constitution; fourth, because said items are not segregated, and it is impossible to tell therefrom what amount of said appropriation is for the purpose of, or would be expended in the purchase of, machinery and permanent material, and for improvements, all of which items should be provided for by a special bill and not included in a lump sum in a bill for the support of any one office.

Support of State Printing Office.

Another and very serious objection is the principal one, made in my veto message of February 9th last. This is one of the very largest appropriations made by the State. I have been convinced in the past that extravagance has been practiced in its expenditure. The experts appointed by the Legislature reported many irregularities. They reported that no separate timebooks were kept by which the cost of school books can be ascertained, or which would prevent the use of school book money for other state printing; that no proper stockbook is kept by which the condition or value of stock on hand can be determined; that inexperienced help is employed at great loss, and the experts report that if certain reforms were instituted in the management of the office a saving of from fifteen to twenty thousand dollars annually would result to the State. The Superintendent of State Printing has failed to make to me the reports required by law, and has made reports which were misleading, and from which it appeared that it required one hundred and forty-six thousand dollars to do ninety-four thousand dollars worth of work. This condition of things has never been satisfactorily explained, and the experts, after allowing him many credits not claimed in his report, still found a balance of twenty-one thousand dollars for which no proper showing could

Veto  
message,  
continued.

be made. No proper or adequate system of auditing the claims against this great appropriation exists, and the Board of Examiners have no means of determining whether such claims so presented to them are proper or correct. I asked for some legislation to remedy this loose system of accounts—a board of printing auditors, power for the Board of Examiners to employ and pay a printing expert to inform them as to the nature or accuracy of accounts which they were called upon to allow, or other proper safeguards—but no such enactments were made. On the contrary, the only existing power I possessed to keep that office at least within the limits of its appropriation was taken from me, as shown in objection seven, and as I have now no control over this department, and as the Legislature has not seen fit to check its expenditures, I cannot sanction the enactment of this item.

Printing  
school  
text-books.

*Objection 9.* The item, "For school text-book department, pay of employes, and for stock and material, etc., forty thousand dollars, subject to the provisions of an Act 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,' approved March eighteenth, eighteen hundred and eighty-seven, and the same is hereby exempted from the provisions of section four of this Act," is objected to and not approved for the reasons given for objecting to the two preceding items, as set out in objections seven and eight hereof, which said objections and reasons are made a part hereof; and for the further reason that it is an attempt, through the general appropriation bill, to legislate on the subject contained in said item; and for the further reason that said item is in violation of article nine, section seven, of the Constitution. A study of the subject has led to the conclusion that money appropriated for text-book purposes under said article of the Constitution should be appropriated to be expended by and under the direction and control of a State Board of Education solely.

Another reason for my objection is that this item requires that the appropriation it carries shall be expended subject to the provisions of a certain Act which cannot be located as described. The Act nearest in description to the Act described is not properly applicable to the purposes intended by this item. It provides for the "compiling, illustrating," etc., of only a limited number of the state series of school text-books, leaving many to be provided for in other Acts, and is otherwise inapplicable. The Constitution provides that the state school books shall be sold at cost, and the fund from which the expense of their preparation and production is paid should be self-supporting. As there is now money in this fund and a large number of books on hand, the necessary new ones can be prepared and printed from the sums resulting from the sale of these books, and no interference with the printing of necessary school books will result from the disapproval of this item.

Veterans'  
Home.

*Objection 10.* The item, "For the support of Veterans' Home at Yountville, ninety thousand dollars," is objected to and not approved for the sole reason that a like sum is provided for as a continuing appropriation by another law of the State, being the Act of 1893 (Statutes 1893, p. 214), and the allowance of this amount in the general appropriation bill is therefore unnecessary, and would constitute a double appropriation.

Claim of  
Marin  
County.

*Objection 11.* The item, "For the claim of Marin County for moneys expended by it for prosecutions of crime committed within the State Prison at San Quentin, four thousand two hundred and twenty-nine dollars and fifty cents," is objected to and not approved on the ground that said item is in violation of article four, section twenty-nine, of the Constitution, and has no proper place in the general appropriation bill.

Preston  
School of  
Industry.

*Objection 12.* The item, "For purchase of material and construction of fencing, of ice plant, and enlarging cow barn, Preston School of Industry, two thousand six hundred dollars," is objected to and not approved for the reasons given in objections first and second hereof, which objections are hereby made my objections to this item. I was first inclined to believe this item correct, but a study of the subject has convinced me that it has no place in this bill.

Santa  
Clara  
School.

*Objection 13.* The item, "For support of Santa Clara State School, thirty-five thousand dollars," is objected to and not approved because said school was not established.

State  
University.

*Objection 14.* The item, "For use of State University, department of viticulture, ten thousand dollars," and the item, "For use of State University, forestry stations, eight thousand dollars," and the item, "For State University, department of agriculture, for experimental purposes relative to the diseases, breeding, and other necessary information connected with the raising and care of poultry in this State, and the issuance of bulletins concerning same, five thousand dollars," are each objected to and not approved, and each is objected to and not approved for the reasons, first, that the same are excessive, and second, whatever allowance may be necessary in the judgment of the regents of the University of the State of California, can be made from the other funds of the said University. During the past two years the State has liberally responded to the requests of the University, giving in 1895 a

quarter of a million of dollars for its affiliated colleges and so providing for the University itself by the Act of 1897 that it shall receive two cents per annum on every one hundred dollars of taxable property in this State, being annually nearly another quarter of a million of dollars. In my judgment, with this annual income, together with the income from the regular funds now on hand, no further provision should be asked for by that institution, and under existing financial conditions it is the duty of the University to use such careful economy as will make its present available resources sufficient for the conduct of such of its departments and stations as in the judgment of the regents it may be necessary to maintain.

Veto message, continued.

*Objection 15.* The item, "For aid to District Agricultural Society Number One, ten thousand dollars," is objected to and not allowed for the reasons heretofore given in my objections to similar appropriations in 1895, and for the reasons stated in my inaugural address and in my first biennial message. The aggregate of these appropriations is so great that, in view of the present financial condition of our people, it would be inadvisable to burden them with so heavy a tax as would be required to raise this sum. If the number of districts had been materially reduced and the appropriations correspondingly so, it would present a different case. To select a few districts, as now constituted and provided for, from the whole number would be discriminating and otherwise inadvisable, and I have no other recourse but to disapprove of all items for aid to district agricultural societies.

District Agricultural Societies.

*Objection 16.* The item, "For aid to District Agricultural Society Number Two, five thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Three, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Four, five thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Five, five thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Six, five thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Seven, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Eight, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Nine, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Ten, one thousand five hundred dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Eleven, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Twelve, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Thirteen, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Fourteen, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Fifteen, two thousand dollars." This item is objected to and not approved for the reasons



proved for the reasons given in my objections to the appropriation for District Agricultural Society Number One. Veto message, continued.

The item, "For aid to District Agricultural Society Number Thirty-five, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One. District Agricultural Societies.

The item, "For aid to District Agricultural Society Number Thirty-six, three thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Thirty-seven, one thousand five hundred dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Thirty-eight, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Thirty-nine, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Forty, three thousand five hundred dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Forty-one, one thousand five hundred dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Forty-two, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Forty-three, one thousand five hundred dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

The item, "For aid to District Agricultural Society Number Forty-four, two thousand dollars." This item is objected to and not approved for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

JAMES H. BUDD, Governor.

### CHAPTER CCXLIII.

*An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of (\$1,233.80) twelve hundred and thirty-three dollars and eighty cents is hereby appropriated to pay the claim of Clement Bennett, for services as official reporter in the case of the Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California (the claim having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same. Appropriation to pay claim of Clement Bennett.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXLIV.

*An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.*

[Approved April 1, 1897.]

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

## ARTICLE I.

## ROAD DISTRICTS.

Designation of road districts.

Supervisors must subdivide counties into road districts.

When may be established.

When boundaries may be changed.

SECTION 1. Every road district must be designated by the name and style of "—— Road District (using the name of the district), of —— County (using the name of the county in which said district is situated)"; and in that name the district may sue and be sued, and hold and convey property for the use and benefit of such district. All road districts now existing in any of the counties of this State are hereby recognized and continued in existence, but the same may hereafter be changed as in this Act provided; and it is hereby made the duty of the Boards of Supervisors in the several counties of this State in which road districts do not now exist, to subdivide such counties into road districts as by law now provided, immediately after this Act takes effect, and whether any petition therefor is presented by freeholders or not. No city or incorporated town shall be subdivided into road districts, or included within any road district, but the streets and highways thereof shall be laid out and maintained by and be under the jurisdiction of the municipal authority thereof, as is now or may hereafter be provided by law.

SEC. 2. No new road district shall be formed in any county at any other time than between the first day of October and the first day of March next succeeding, nor at any time unless one fourth of the freeholders, residents of such proposed new district, present a petition to the Board of Supervisors of the county setting forth the boundaries of the proposed new district, and asking that the same be established as a road district; *provided*, that new road districts may be established at any time between the date when this Act shall take effect, and the first day of March, eighteen hundred and ninety-eight, upon the petition of one fourth of the freeholders, residents of such proposed new district, presented to the Board of Supervisors of the county, setting forth the boundaries of such proposed new district, and asking that the same be established as a road district.

SEC. 3. The boundaries of a road district or road districts may be changed only between the first day of October and the first day of March of the year next succeeding, and then only upon petition by at least one fourth of the freeholders residing

in each district affected by the proposed change of boundary or boundaries to the Board of Supervisors of the county, setting forth the proposed change of boundary or boundaries and the reasons therefor; *provided*, that two or more road districts lying contiguous may at any time be united into one road district, whenever a petition signed by a majority of the electors residing in each of such districts shall be presented to the Board of Supervisors of the county, asking that such road districts be so united.

SEC. 4. Whenever a petition is filed with a Board of Supervisors, as in this Act provided, asking for the formation of a new district, such board shall, if in session, or if not in session, then at its next regular meeting, fix a day for hearing the same, and must give notice of the time and place of such hearing by causing notices thereof to be posted within the boundaries of such proposed new district as follows: One of such notices shall be posted in a conspicuous place at each school-house, if any, in such proposed new district, and one of such notices shall be posted in a conspicuous place at each post office, if any, in such proposed new district; *provided*, that such notice shall be posted in at least three conspicuous places in such proposed new district; *and provided further*, that if such proposed new district is to be formed out of the territory of any existing district or districts, the clerk of the Board of Supervisors shall send, by registered mail, a copy of such notice to each trustee of each road district in which is contained the whole or any part of the territory that is to compose such proposed new district.

Hearing  
petition for  
formation  
of district.

SEC. 5. Whenever a petition is presented to the Board of Supervisors of any county, asking for the uniting of two or more existing districts into one district, as in this Act provided, such Board of Supervisors shall, if in session, or if not in session, then at its next regular meeting, fix a day for hearing the same, and must give notice of the time and place of such hearing by causing notices thereof to be posted in at least three public places in each of the districts sought to be united, one of which said notices shall be posted in a conspicuous place at each school-house, if any, in each of such districts, and one of said notices shall be posted in a conspicuous place at each post office, if any, in each of such districts; and such board shall further require the clerk thereof to send, by registered mail, a copy of such notice to each of the trustees of each of the districts so sought to be united into one district.

Uniting  
two or  
more dis-  
tricts.

SEC. 6. Whenever a petition is presented to the Board of Supervisors of any county, asking for a change in the boundaries of any district or districts, as in this Act provided, the Board of Supervisors shall, if in session, or if not in session, then at its next regular meeting, fix a day for the hearing of the same, and must give notice of the time and place of such hearing by causing notices thereof to be posted in at least three public places in each of the districts affected by the proposed change of boundaries, one of which notices shall be posted in a conspicuous place at each school-house, if any, and one of

Changing  
bound-  
aries.

which such notices shall be posted in a conspicuous place at each post office, if any, in each of the districts affected by the proposed change of boundaries; and such board shall further require the clerk thereof to send, by registered mail, a copy of such notice to each of the trustees of each of the districts affected by such proposed change of boundaries.

Notices,  
what shall  
contain.

SEC. 7. The notice required by this Act to be given of the hearing of petitions for the formation of any new road district, or for the uniting of two or more road districts into one district, or for the change in the boundaries of any district or districts, shall contain a statement of the time and place when and where such petitions will be heard, and a brief and substantial statement of the boundaries of any proposed new district, or of the change of boundaries of any existing district or districts; *provided*, that when the petition is for the uniting of two or more districts into one, in lieu of the statement of the boundaries thereof, it shall be sufficient to state the names of the districts so proposed to be united. Such notices as are required hereby to be posted shall be posted for at least three weeks prior to the date in such notices stated for the hearing, and such notices as are required to be sent by registered mail shall be so mailed at least three weeks prior to the date therein fixed for the hearing of the petitions therein named.

Duty of  
Board of  
Supervis-  
ors, on  
petitions.

SEC. 8. The Board of Supervisors must, on the day fixed for the hearing of any petition for the formation of a new district, or for the uniting of two or more districts into one district, or for the change in the boundaries of any existing district or districts, or on any subsequent day to which any such petition may be postponed or continued, hear the evidence and act upon such petition. If the board, after such hearing, establishes a new district, or grants changes in the boundaries of any existing district or districts, it may do so in accordance with the original prayer of the petition, or by making such modifications as may by it be deemed proper or wise, after a full and fair hearing of the matter; but a petition for uniting two or more districts must be granted without modification, or must be denied.

## ARTICLE II.

### ELECTIONS FOR ROAD TRUSTEES.

Elections  
for road  
trustees.

SEC. 9. An election for road trustees shall be held in each road district on the last Saturday in May of each year, at a place in each district to be designated by its board of road trustees.

Number.

1. The number of road trustees for each road district shall be three. Each road trustee shall receive, as full compensation for the services required of him by law or by virtue of his office, twenty-five dollars per annum, to be allowed by the Board of Supervisors and paid out of the funds of the district available for the fiscal year in which the service is rendered; *provided*, that neither the whole nor any part of such compen-

Compensa-  
tion.



sation shall be allowed or paid until the report required by subdivision six of section twenty of this Act shall have been filed with and approved by the Board of Supervisors.

2. In new road districts the road trustees shall be elected on the last Saturday in May subsequent to the formation of the district, to hold office for one, two, and three years, respectively, from and after the first day of July next succeeding their election.

3. When a vacancy occurs from any of the causes specified in section nine hundred and ninety-six of the Political Code of this State, the Board of Supervisors shall appoint a suitable person to fill such vacancy until the first day of July next succeeding such appointment. A trustee shall be elected at the next May election to fill such vacancy, and to hold office for the remainder of the term.

4. Except as provided in subdivisions two and three of this section, one trustee shall be elected annually for a term of three years, or until his successor is elected or appointed and qualified.

SEC. 10. Not less than ten days before the election required to be held under section nine of this Act, the trustees of each road district must post notices in at least three public places therein, which notices must specify the time and place of election, and the hours during which the polls will be kept open. One of such notices must be posted in a conspicuous place at each school-house, if any, and one in a conspicuous place at each post office, if any, in such road district. If the road trustees of any district have failed, until within five days prior to the date for holding such election, to post the notices thereof, as aforesaid, then any three electors of such road district may give notice as herein provided.

SEC. 11. The road trustees in each district must appoint one inspector and two judges of election; if none are so appointed, or if those appointed are not present at the time for opening the polls, the electors present shall appoint them, and they shall conduct the election with like effect. The polls must be opened at nine o'clock A. M., and must be kept open until five o'clock P. M. of the day of election.

SEC. 12. Every qualified elector of the county, who has resided in the district thirty days next preceding the election, may vote at such election. The voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the inspector, who shall then, in the presence of the elector, deposit the same in the ballot-box, and the judges shall enter the elector's name on the poll lists.

SEC. 13. Any person offering to vote may be challenged by any voter of the district, and the judges of election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this State one year, in this county ninety days, and in this road district thirty days next preceding this election,

that your name is on the great register of the county, and that you have not before voted this day." If he takes the oath prescribed in this section his vote must be received, otherwise his vote must be rejected.

Poll and  
tally lists.  
Canvass of  
votes.

SEC. 14. A poll and tally list must be kept and returned to the board of trustees of the road district.

SEC. 15. The officers of election must publicly canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person or persons elected, which must, with the oath of office of the person so elected attached, be forwarded to the clerk of the Board of Supervisors of the county, and be filed by him in his office. The inspector and judges of election are hereby authorized and empowered to administer the oath of office on election day only, to any person receiving a certificate of election as road trustee.

### ARTICLE III.

#### ROAD TRUSTEES, THEIR POWERS AND DUTIES.

Road  
trustees.

SEC. 16. Except when otherwise authorized by law, every road district shall be under the control of a board of road trustees consisting of three members, who shall be residents of the district.

Term of  
office.

SEC. 17. The term of office of road trustees is three years from the first day of July next succeeding their election.

Vacancies,  
how  
caused.

SEC. 18. Vacancies in the office of road trustees are caused as follows:

1. By the happening of any of the events specified in section nine hundred and ninety-six of the Political Code.
2. By failure to elect as provided in section nine of this Act.
3. By the resignation of a trustee, which must be tendered to the Board of Supervisors of the county, in writing, and must be accepted by such board before it takes effect.

Vacancies,  
how filled.

SEC. 19. When a new district is organized, such of the trustees of the old district as reside within the boundaries of the new shall be trustees of the new district until the expiration of the time for which they were elected. Vacancies in the office of trustee in a new district shall be filled as are other vacancies. No person shall be appointed to fill any vacancy except upon petition signed by at least ten electors of the district; *provided*, that a vacancy may be filled in any case upon petition signed by a majority of the electors of the district.

Powers  
and duties  
of road  
trustees.

SEC. 20. The powers and duties of road trustees are as follows:

1. To prescribe and enforce rules not inconsistent with the Constitution and laws of this State for their own government and the government of their district, and to transact their business at regular meetings, or at special meetings called for the purpose; *provided*, that notice of the time, place, and purpose of the holding of such special meetings shall be given to each road trustee long enough prior to the holding of the same to enable him to attend thereon.

2. To manage and control the property belonging to or in use in their district and the district roads of their district, and to pay all moneys collected by them, or under their authority, from any source whatever, for road district purposes, into the county treasury, to be placed to the credit of the road fund of their district.

Manage property.

Pay money into road fund.

3. To purchase such implements and materials, employ such labor and make contracts for the doing of such work as may be necessary in the construction, repair, and maintaining of the roads in their district; but all contracts made in any fiscal year by boards of road trustees for the employment of labor, or for the purchasing of materials, or for any other purpose which would require the expenditure of money in excess of the funds available to the district for such fiscal year, shall, to the extent of such excess, be null and void, and shall never be made, or become, or be the foundation of any claim or demand against such district.

Make contracts for road construction.

4. To do and perform all acts and things in relation to which the electors of their district are authorized by this Act to instruct them, when thereto so instructed.

5. To make, in the name of the district, conveyances of property belonging to it, and to appoint one or more of their number to collect road poll tax in their district, and to pay him therefor, not exceeding fifteen per cent of the amount so collected; *provided*, that any person subject to the payment of road poll tax in any district may, in lieu thereof, work on the roads in such district at the rate of two dollars per day of eight hours, until he shall have worked out such road poll tax; *and provided further*, that no person shall be entitled to work out his road poll tax, in lieu of paying the same, who shall refuse to do so after three days' notice from the clerk of the board of road trustees.

Appoint poll tax collector.

6. To make annual reports, on or before the first Monday in July, in each year, to the Board of Supervisors of the county, wherein they shall show all moneys in the funds of their district at the beginning of the last fiscal year, all moneys which have come into such funds during the last fiscal year, the sources from which all such moneys have come, the time when, the persons to whom, and the purposes for which all moneys expended during the last fiscal year have been expended, and the balance in the funds of such district at the end of the last fiscal year; and all persons subject to road poll tax who have not paid the same, or did not work in lieu thereof; also, what roads have been constructed or repaired during the last fiscal year, and where located, the character of such construction and the materials employed therein; what percentage of moneys expended by them during such fiscal year were for the construction of permanent roads, and also what percentage thereof was expended for repairs and for the purchase of machinery and implements; also, what moneys they may have expended in the procuring of water rights, or for water to be used in the sprinkling of roads; and what moneys, if any, may have expended in the construction or maintaining of water-sprinkling systems, and in general

Annual reports to Board of Supervisors.

such other things as may be necessary to show what kind of work and what work has been done and improvements made in the district during the last fiscal year, together with a correct inventory of all the property owned by or in use in the district.

Must view roads.

7. It shall be the duty of each member of every board of road trustees, in every district, to view, at least once in each year, every road in his district, throughout its whole extent.

District assemblies.

SEC. 21. In every road district there shall be held district assemblies of the qualified electors thereof, on the last Saturdays in September, December, and March, in each year, for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged; or for consultation in regard to the maintenance of roadways and in regard to the construction of permanent roadways, and deciding upon what roads shall be permanently improved during the current fiscal year, in regard to the distribution of moneys and work to the various portions of the district, the compensation of employes for work, and in regard to any affairs of the district. Boards of road trustees may, and upon petition of one tenth of the qualified electors of their district must, call meetings of the qualified electors thereof for the purposes aforesaid. Such meetings shall be called by posting notices thereof in at least three public places in the district, one of which notices shall be posted in a conspicuous place at each school-house, if any, and one at each post office, if any, in the district, not less than ten days previous to the time for which the meeting shall be called. Such notices shall designate the time when, the place where, and the purpose or purposes for which such meeting shall have been called, and no other business shall be transacted at such meeting. It shall be the duty of the trustees of every road district to give notice as aforesaid of the three regular meetings hereinbefore provided for, in like manner as of meetings called by themselves, or called upon petition of one tenth of the qualified electors; *provided*, that if within five days of such regular meetings the trustees have failed to post the notices required under this section, then any three electors of the district may give notice of such regular meetings as herein provided.

Trustees to call meetings by posting notices.

How district assemblies shall be organized.

SEC. 22. District assemblies shall be organized by choosing a chairman from the electors present, and the district clerk shall be the clerk thereof, and shall enter the minutes thereof in the records of the district, and such minutes shall be read, and corrected if necessary, and approved by a succeeding meeting of the electors. The meeting of electors so called shall be competent to instruct the board of road trustees:

Meeting competent to instruct, what.

1. In regard to the portions of the roads of the district which shall be permanently improved by the funds available for the purpose in the then fiscal year.

2. In regard to the character of such permanent improvements and the materials to be used therein; *provided*, that all roads shall be constructed with reference to the character of the natural roadbed, and with such selection of materials therefor as to make the same, when completed, stable and permanent.

3. In regard to the selection of materials for permanent improvements, and the source or sources from which the same shall be obtained.

4. In regard to the selection and purchase of road-building tools and implements.

5. In regard to prosecuting, settling, or compromising any litigation in which the district may be engaged, or is likely to become engaged, and may vote moneys, not exceeding one hundred dollars in any one fiscal year, for any of these purposes, in addition to any amount which may be raised by special road district tax, or by regular road tax, or by the sale of bonds, or by the sale of road district property.

Any road district property may be sold and the proceeds thereof be disposed of by direction of the district assembly. District assemblies may be adjourned from time to time as may be found necessary, and all votes instructing the board of road trustees must be taken by ballot, or by ayes and noes, as such assembly may determine. Boards of trustees of road districts shall in all cases be bound by the instructions of the district assemblies in regard to the subject mentioned in this section; *provided*, that the board of trustees of any road district shall be authorized to exercise all the powers conferred upon road trustees by law, unless otherwise instructed by district assemblies as herein provided.

Trustees  
bound by  
instructions.

{ SEC. 23. 1. Boards of road trustees are liable as such in the name of the district for any judgment against the district, and for any and all debts contracted under the provisions of this Act, and they must pay such judgments and liabilities out of the road moneys to the credit of the district available therefor; *provided*, that the contracts mentioned in this section are not in excess of the road moneys accruing to the district for the fiscal year in which the contracts were made, otherwise the district shall not be held liable.

Liability  
of trustees.

2. The powers and duties conferred by this Act upon road districts and their officers shall be confined to district roads; *provided*, that any road district may, as now or hereafter provided by law, by arrangement with the Department of Highways, or other lawful authority, have the care and maintenance of the state highways or any portion thereof within such district, such care and maintenance to be paid for out of the funds provided by law for state highway purposes; *and provided further*, that any road district may, as now or hereafter provided by law, by arrangement with the Board of Supervisors of the county, or other lawful authority, have the care and maintenance of county roads, or any portion thereof within such district, such care and maintenance to be paid for out of the funds provided by law for county road purposes; *provided further*, that road district moneys must be used upon district roads and for district purposes only; *and provided further*, that all powers and duties by this Act conferred upon road districts and their officers, which are by any law enacted prior to and existing at the time of the taking effect of this Act, conferred upon road overseers, or road commissioners, or Boards

Powers  
and duties  
conferred to  
district  
roads.

Road  
district  
moneys  
and poll  
taxes.

of Supervisors, or other officers, shall be deemed withdrawn by this Act from the officers last above named and conferred exclusively upon road districts and their officers; *and provided further*, that all road poll taxes hereafter collected in any road district shall belong to such district and be used only upon the district roads therein; *and provided further*, that unless and until the public highways in the several counties of this State shall be classified into district and other roads in pursuance of statute, all public highways in each road district in the several counties of this State shall be deemed to be district roads under the provisions of this Act.

## ARTICLE IV.

## CLERKS OF ROAD DISTRICTS.

**Clerk of road district.**      **SEC. 24.** Boards of road trustees must, annually, on the first day of July, meet and elect one of their number clerk of the district. Such clerk shall receive, in addition to his compensation as trustee, the sum of twenty-five dollars per annum, which shall be allowed and paid at the same time, in the same manner, and subject to the same conditions as his compensation as trustee.

**Compensation.**      **SEC. 25.** It shall be the duty of said clerk:

**Duties.**      1. To call meetings of the board at the request of two members, and to act as clerk of the board, and keep a record of its proceedings, and an accurate account of the receipts and expenditures of all moneys by the district, which accounts shall show the sources from which all said moneys are received, and the date when, the purpose for which, and the persons to whom the same were expended.

2. To keep his records and accounts open to the inspection of the electors of the district, and in suitable books provided by the board of road trustees for that purpose.

3. To perform such other duties as may be prescribed by law, or by the board of road trustees.

**Inventory.**      **SEC. 26.** The clerk of each district must, under the direction of the board of trustees, keep an inventory of all property belonging to or in use by the district, and cause the same to be kept in repair so as to be fit for use, and exercise general care and supervision over the property in use by or belonging to the district.

**Warrants.**      **SEC. 27.** No warrant must be drawn in favor of any employé, or other person doing service or furnishing material, or otherwise acquiring or holding a claim against a road district, unless the officer or officers whose duty it is to draw such warrant is satisfied that the employé, or other person making such claim, has faithfully performed the services, or rendered value for the claim for which the warrant is drawn.

**Bids for contracts.**      **SEC. 28.** There shall be free competition on all bids for contracts to do work or furnish material, or render service to a road district, but when all other things are equal, a contract shall be let, or employment given, to a resident of the road

district to which the service is to be rendered or employment furnished in preference to all other persons.

SEC. 29. A majority of the board of trustees in actual Quorum. session shall be necessary for the transaction of business.

## ARTICLE V.

### DISTRICT ROAD TAX.

SEC. 30. The board of trustees of any district may, prior to the fifteenth day of August of any year, when in their judgment it is advisable, call an election, and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional funds for the use of the district in the procuring of title to any rights of way, or for the opening of any specific existing roads, or for the constructing, or performing work on, any existing road, or for the sprinkling of any road, or for the purchase of materials or implements or machinery, or for any two or all of these purposes; *provided*, that where a tax which has been collected for any or all of the purposes, as aforesaid, shall not have been used therefor within two years from the time set, such taxes so collected and unexpended shall be returned to the parties from whom the same were collected.

SEC. 31. Such election must be called by posting notices in at least three of the most public places in the district for twenty days; and also, if there is a newspaper in the county, by advertising therein once a week for three weeks; *provided*, that one of such notices shall be posted at each school-house, if any, and one at each post office, if any, in such road district.

SEC. 32. Such notices must specify the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used.

SEC. 33. The election shall be conducted in conformity to the provisions of sections fifteen hundred and ninety-six, fifteen hundred and ninety-seven, fifteen hundred and ninety-eight, fifteen hundred and ninety-nine, sixteen hundred, and sixteen hundred and one of the Political Code; *provided*, that no particular form of ballot shall be required, nor shall any informalities invalidate the same if the election shall have been otherwise fairly conducted.

SEC. 34. At such election the ballots must contain the words "Tax—Yes" or "Tax—No."

SEC. 35. If a majority of the votes cast upon the question of the tax levy are "Tax—Yes," the officers of the election must certify the fact to the board of road trustees of the district.

SEC. 36. The board of trustees must, upon receipt of a certificate of such fact, report the same to the Board of Supervisors, stating the amount of money to be raised.

SEC. 37. The Board of Supervisors must, at the time of levying the county taxes, levy a tax upon all taxable property in the road district voting such tax, sufficient to raise the amount voted. The rate of taxation shall be ascertained by

District road tax.

For what purposes.

Election, notices, etc.

Notices must specify, what.

Manner of conducting elections.

Ballots.

Amount of tax; how ascertained.

deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears upon the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. The taxes so levied shall be computed and entered on the assessment roll by the County Auditor, and collected at the same time and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of the road district voting the same, for the purpose or purposes for which the same were voted.

Maximum  
tax rate.

SEC. 38. The maximum rate of tax levied by the board of road trustees in any one year, for the purposes mentioned in this article, must not exceed forty cents on each one hundred dollars of the taxable property of the district.

## ARTICLE VI.

### MISCELLANEOUS GENERAL PROVISIONS, RELATIVE TO ROAD FUNDS AND TAXES, AND THE MANAGEMENT OF ROAD BUSINESS.

County  
officers not  
to receive  
fee or com-  
pensation.

Exception.

No officer  
to act as  
agent.

Officers  
not to be  
interested  
in con-  
tracts.

SEC. 39. No Assessor, Tax Collector, City, City and County, or County Treasurer, must charge or receive any fee or compensation whatever, for assessing, collecting, receiving, keeping, or disbursing any road moneys, but the whole moneys collected must be paid to the City, City and County, or County Treasurer; *provided*, that said Assessor or Tax Collector, for services actually rendered in the collection of road poll taxes, shall receive the sum of fifteen per cent of the sum collected, unless otherwise provided by law.

SEC. 40. No officer named in this Act must directly or indirectly act as agent for any manufacturer or seller of materials or implements, or of any other person, in the furnishing or endeavoring to furnish any road machinery or implements, or any material or article whatever, to any road district in his county; or directly or indirectly contract for or receive any gift, reward, or other thing for so furnishing or selling, or recommending the purchase of any machinery, implements, material, or any article or thing of value; and any officer so acting or receiving must be deemed guilty of a misdemeanor, and on conviction be punished as provided by section nineteen of the Penal Code, and in addition to such punishment must be removed from office. Every road trustee may administer oaths as to all matters affecting the business or affairs of his district.

SEC. 41. No road trustee must be interested, directly or indirectly, in any contract made by the board of trustees, of which such trustee is a member; nor shall any Supervisor or county officer of any county be interested, directly or indirectly, in any contract made by the board of trustees of any road district of the county in which he holds office, and every contract made in violation of the provisions of this section shall be absolutely null and void.



SEC. 42. The road year shall coincide with the fiscal year, and begin on the first day of July and end on the last day of June. All claims and demands against any road district shall first be presented to the board of trustees thereof, and if the trustees allow the same they shall draw their warrant, made payable out of the proper fund of their district. A statement of such claim or demand, itemized and verified in the manner required by law for claims against the county, shall be filed with the clerk of the Board of Supervisors at least one day before it is presented for allowance. Such warrants shall accompany said statement, but shall not be filed with the clerk: The Board of Supervisors shall carefully examine and audit every such claim, and if they approve the same, they shall indorse their allowance in the trustees' warrant therefor, which shall then be presented to the Auditor, who shall draw his requisition to pay the same upon the County Treasurer, against the proper fund of the district drawing the warrant; *provided*, that in no case shall the Board of Supervisors allow any claim for an amount larger than that specified in the trustees' warrant therefor, nor shall the Auditor draw his requisition to pay any claim for an amount greater than that allowed by the Board of Supervisors. When the board of trustees or the Board of Supervisors find that any claim presented against any road district is not payable by such district, or is not a proper charge against, such board must reject it, and such rejection shall be clearly entered on the minutes of the board of trustees, or indorsed by the Board of Supervisors on such warrant, and thereafter the same proceedings may be had thereon against such district as is provided by law for the case of the rejection of a claim against the county.

Claims and demands against road district.

SEC. 43. The offering of any valuable thing to any member of a Board of Supervisors or board of road trustees, with the intent thereby to influence his action in regard to the purchase of any property for his road district, or in case of such Supervisor, for any road district of his county, or the making of any contract by or on behalf of or affecting, or to be paid out of the funds or with the property of such road district, with the intent thereby to influence such road trustee or other officer in his official action, is punishable as provided by section nineteen of the Penal Code of this State; and any person may be compelled to testify in any legal investigation or proceeding against any person who may be charged with any of the offenses in this section. No contract obtained from or made with any board of road trustees by corrupt means shall be valid.

Bribery punishable.

## ARTICLE VII.

### VOTING AND ISSUANCE OF ROAD DISTRICT BONDS.

SEC. 44. The board of road trustees, or other governing body of any road district, may, when in their judgment it is advisable, and must, upon a petition of forty per cent of the electors of the district, call an election and submit to the

Road district bonds.

electors of the district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for procuring rights of way, for opening roads, for repairing roads, for the construction of roads, for the purchase of water or water rights, the establishing of a system for sprinkling roads, or for any or all of such purposes, and for the purpose of funding any indebtedness already lawfully incurred for such purposes, or any thereof.

Notice of election.

SEC. 45. Such election must be called by posting notices, signed by at least a majority of the board, in at least three of the most public places in the district, for not less than twenty days before the election; and if there is a newspaper published in the county, by publishing such notice therein not less than once a week for three successive weeks; *provided*, that one of such notices shall be posted in a conspicuous place at each school-house, if any, and one in a conspicuous place at each post office, if any, in the district.

Must contain.

SEC. 46. Such notice must contain:

1. The time and place of holding such election.
2. The names of the inspectors and judges to conduct the same.
3. The hours of the day during which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.
5. The purpose or purposes for which such bonds are to be issued.

How election shall be conducted, etc.

SEC. 47. Such election shall be conducted in conformity with the provisions of sections fifteen hundred and ninety-six, fifteen hundred and ninety-seven, fifteen hundred and ninety-eight, fifteen hundred and ninety-nine, sixteen hundred, sixteen hundred and one, and eighteen hundred and thirty-four of the Political Code, except that the words to appear on the ballots shall be "Bonds—Yes" or "Bonds—No," or words substantially equivalent thereto.

Canvass of returns.

SEC. 48. On the seventh day after said election, at one o'clock P. M., the returns having been made to the board of trustees or other governing body of such road district, the board must meet and canvass such returns, and if it appears that two thirds of the votes cast at such election were in favor of issuing such bonds, then the board shall cause an entry of the fact to be made upon its minutes, and shall certify to the Board of Supervisors of the county all the proceedings had in the premises, and thereupon said Board of Supervisors shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds, and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Total amount of bonds.

SEC. 49. The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than ten years from the date thereof.

Form of bonds.

When payable.

SEC. 50. Said bonds must not bear a greater amount of interest than seven per cent per annum, said interest to be paid annually or semi-annually, and said bonds must be sold in the manner prescribed by the Board of Supervisors, but for not less than par, and the proceeds of the same thereof must be deposited in the county treasury to the credit of the bond fund of said road district, and be drawn out for the purposes for which said bonds were voted, in the same manner as other moneys are drawn out of other funds of road districts.

Rate of interest, etc.

SEC. 51. The Board of Supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such road district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise annually, for the first half of the term which said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest and to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all money so levied, when collected, shall be paid into the county treasury to the credit of the road fund of such district, and be used for the payment of principal and interest on the said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer, upon the warrant of the Auditor, out of the fund provided therefor; and it shall be the duty of the Auditor to cancel and file with the Treasurer the bonds and coupons as rapidly as they are paid.

Tax levy to pay interest and redeem bonds.

SEC. 52. If the Board of Supervisors of any 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 district, a sufficient rate to realize the amount of principal or interest past due, 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 district bond tax, and shall be paid by warrants as the payments mature, to the holder of such registered obligations,

Duty of Controller upon failure of Supervisors, etc.

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 shall be passed to the general account and credit of said district.

Unsold bonds may be withdrawn and canceled.

SEC. 53. Whenever any bonds issued under the provisions of this Act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the Board of Supervisors, the board of trustees, or other governing body of the road district for or on account of which such bonds were issued, or of any road district composed wholly or partly of territory which, at the time of holding the election at which such bonds were voted, was embraced within the district for or on account of which such bonds were issued, may petition the Board of Supervisors to cause such unsold bonds to be withdrawn from market and canceled. Upon receiving such petition, signed by a majority of the members of the board of trustees or other governing body of said road district, the Supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said road district, if there is one, and if there is no newspaper published in said road district, then in a newspaper published at the county seat of the county in which the road district or some part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the Supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interest of the road district named in the petition that such unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds are canceled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

Action of Supervisors on canceled bonds.

#### CHAPTER CCXLV.

*An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act.*

[Approved April 1, 1897.]

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

Lake Tahoe Wagon Road Commissioner.

SECTION 1. The office of Lake Tahoe Wagon Road Commissioner is hereby created. Such commissioner shall be appointed by the Governor of this State, and his term of office shall be

four years from and after the date of his appointment, and until his successor is appointed and qualified.

SEC. 2. Said commissioner shall take the same oath of office <sup>Oath of office.</sup> as is provided by law for other state officers, and, before entering upon the discharge of his duties, shall give bond to the <sup>Bond.</sup> State, with sufficient sureties, to be approved by the Governor, in the sum of five thousand dollars, for the faithful performance of his duties as such officer.

SEC. 3. Said commissioner shall receive from the State a <sup>Salary.</sup> salary of fifty dollars per month, payable monthly, which salary shall be paid out of the state treasury upon warrants drawn by the Controller in the same manner as the salaries of other state officers are paid. He shall also receive his necessary traveling expenses while engaged in the performance of his <sup>Traveling expenses.</sup> official duties, such traveling expenses to be allowed by the State Board of Examiners.

SEC. 4. Said commissioner shall have the care, control, <sup>Powers and duties of commis-</sup> management, and supervision of that certain wagon road <sup>sioner.</sup> belonging to the State of California, known as the "Lake Tahoe Wagon Road," situated in the County of El Dorado, in said State, and commencing at the junction of said road with the Placerville and Newtown road, a short distance easterly from the village of Smith's Flat, in said county, and running thence to a point on the east boundary line of this State at or near Lake Tahoe. It shall be his duty to keep said road, and the bridges and culverts thereon, in good repair and condition, and he shall keep said road free from obstructions and open for travel at all times, except when prevented by snow or severity of climate. He shall repair or rebuild said road, bridges, and culverts whenever and wherever necessary, and shall construct new bridges and culverts when necessary or proper, and may alter or change said road when necessary or proper to improve the same, and may and shall do all things necessary or proper to care for, manage, maintain, improve, and protect said road, together with its bridges and culverts, and to otherwise perform his duties as such commissioner; and in so doing he is authorized to employ all necessary assistance and procure all necessary materials, implements, and appliances.

SEC. 5. All expenditures authorized by the provisions of <sup>Board of Examiners to approve claims.</sup> this Act, except the salary of said commissioner, shall be subject to the approval of the State Board of Examiners. The State Controller shall draw his warrants for all expenditures so approved by said board, and the State Treasurer shall pay the same.

SEC. 6. There is hereby appropriated out of any money in <sup>Appropriation.</sup> the state treasury not otherwise appropriated, the sum of ten thousand (\$10,000.00) dollars, for the purpose of paying the salary of said commissioner, and the other expenses and expenditures authorized or directed by the provisions of this Act for the remainder of the forty-eighth fiscal year and for the forty-ninth and fiftieth fiscal years.

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

## CHAPTER CCXLVI.

*An Act making an appropriation to pay the deficiency in the appropriation for the payment of expenses incurred in calling the National Guard of California into service, by order of the Governor, during the year 1894.*

[Approved April 1, 1897.]

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

Appropriation for deficiency, N. G. C.

SECTION 1. The sum of one hundred and thirty-five and two one hundredths dollars (\$135.02) is hereby appropriated to pay the claim of O. F. Washburn, for supplies furnished the National Guard of California. Upon the approval by the State Board of Examiners of the same, the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXLVII.

*An Act making an appropriation to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health.*

[Approved April 1, 1897.]

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

Appropriation to pay claim of Luke Kavanagh.

SECTION 1. The sum of eight hundred and seventy-seven dollars and sixty cents is hereby appropriated, to pay the claim of Luke Kavanagh, for reporting and transcribing testimony for the Board of Health (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXLVIII.

*An Act making an appropriation to pay the claim of Marion Pirkey for moneys advanced to the National Guard of California.*

[Approved April 1, 1897]

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

SECTION 1. The sum of five hundred and forty-seven dollars and twelve cents is hereby appropriated to pay the claim of Marion Pirkey for moneys advanced the late Company "G," Eighth Regiment, National Guard of California, and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation to pay claim of Marion Pirkey

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCXLIX.

*An Act making an appropriation to pay the claim of Sarah H. Wing against the State of California, and making an appropriation therefor.*

[Approved April 1, 1897.]

*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 in the state treasury not otherwise appropriated, to pay the claim of Mrs. Sarah H. Wing against the State of California.

Appropriation to pay claim of Sarah H. Wing.

SEC. 2. The Controller of the State is hereby authorized and instructed to draw his warrant in favor of the said Mrs. Sarah H. Wing for the sum of five thousand dollars, and the State Treasurer is hereby authorized and instructed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said Mrs. Sarah H. Wing shall make and deliver to the Controller, upon the receipt of said warrant, a release of all her claim against the State of California.

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

## CHAPTER CCL.

*An Act making an appropriation to pay the claim of Britton and Rey for expenses incurred in lithographing maps, etc., for the Commissioner of Public Works.*

[Approved April 1, 1897.]

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

Appropriation to pay claim of Britton & Rey.

SECTION 1. The sum of one thousand three hundred and forty-eight dollars and seventy-five cents is hereby appropriated to pay the claim of Britton and Rey for maps furnished to the Commissioner of Public Works (this account having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCLI.

*An Act making an appropriation to pay the claim of Britton and Rey, for expenses incurred in furnishing maps to the State Mining Bureau.*

[Approved April 1, 1897.]

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

Appropriation to pay claim of Britton & Rey.

SECTION 1. The sum of one thousand and seventy-eight dollars and sixty cents is hereby appropriated, to pay the claim of Britton and Rey, for expenses incurred in furnishing maps to the State Mining Bureau (this account having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.



## CHAPTER CCLII.

*An Act making an appropriation to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of sixty-three thousand five hundred and sixty-three dollars and sixty-six cents is hereby appropriated to pay the claim of Dennis Jordan, for balance due for work done on the State Prison at Folsom (this claim having been approved by the State Board of Examiners), and the State Controller is hereby directed to draw his warrant therefor, and the State Treasurer to pay the same.

Appropriation to pay claim of Dennis Jordan.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCLIII.

*An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing and maintaining, taking down and returning an exhibit of the products of the State of California at the Hamburg Horticultural Exposition, to be held at Hamburg, Germany, in eighteen hundred and ninety-seven, and to provide for a commission, secretary of a commission, and the pay of the secretary thereof.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of six thousand dollars is hereby appropriated out of the moneys of the state treasury not otherwise appropriated, to meet the expense of collecting, preparing, forwarding, installing, maintaining, taking down, and returning an exhibit of the products of the State of California at the Hamburg Horticultural Exposition, to be held at Hamburg, in Germany, in the year eighteen hundred and ninety-seven. The full amount hereby appropriated shall become available immediately after the passage of this Act, and the Controller of State is directed to draw his warrant on the general fund to the order of such persons as shall be appointed by the Governor to act as commissioners. It is made the duty of the Governor of the State of California, immediately after the passage of this Act, to appoint three commissioners, who shall constitute the Hamburg Exposition Commission. Said commission shall have the control of the expenditure of all moneys appropriated by said State of California for preparing, install-

Appropriation for state exhibit at Hamburg Horticultural Exposition.

ing, maintaining, and returning the exhibit of the products of California. Said commissioners shall receive no compensation for their services other than actual expenses in attending meetings within the State of California, nor hold any other office under the commission, with the exception of that of secretary, who may also act as manager or superintendent of the exhibit, and receive compensation in keeping with the amount of work required.

Public in-  
stitutions  
to assist.

SEC. 2. It shall be the duty of all the public institutions of the State of California to assist the commissioners in every way possible, by loaning them such maps, charts, reliefs, and other material in their possession as will add to the attractive features of the state exhibit.

SEC. 3. No claim against the State for any deficiency that might be created under the provisions of this Act shall be a valid claim against the State.

SEC. 4. This Act shall take effect immediately.

#### CHAPTER CCLIV.

*An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled "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, to provide for the payment of such bonds, and for proceedings to test the validity of the same.*

[Approved April 1, 1897.]

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

Provision  
for pay-  
ment of  
bonds of  
irrigation  
districts.

SECTION 1. Whenever an irrigation district organized under the provisions of an Act entitled "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 seventh, eighteen hundred and eighty-seven, or said Act and the Acts supplementary thereto or amendatory thereof, has outstanding bonds, coupons, or other evidences of indebtedness, the payment thereof may be provided for by the issuance of new bonds, in the manner hereinafter prescribed.

Majority  
may act.

SEC. 2. A majority in number of the holders of title or evidences of title to real property in any irrigation district, subject to assessment, such holders of title, or evidences of title, representing a majority in value of the real property of such district according to the equalized assessment roll or rolls of such district for the year last preceding, may propose the funding of such bonds, coupons, or other evidences of indebtedness.

Said equalized assessment roll or rolls shall be sufficient evidence of title for the purposes of this Act.

SEC. 3. In order to propose the funding of such bonds, coupons, or other evidences of indebtedness, a petition shall be presented to the board of directors of such irrigation district, signed by a majority in number of holders of title or evidences of title to real property in such district, and representing a majority in value of the real property of said district, subject to assessment for district purposes, which petition shall set forth the amount of bonds, coupons, or other evidences of indebtedness proposed to be funded, together with a general description of same, also the total amount of the bonds sought to be issued (*provided*, that said amount shall in no case be greater than the total amount of bonds, coupons, and other evidences of indebtedness then outstanding and sought to have funded), together with a full and complete statement of the purposes for which such bonds are to be used. On presentation of such petition, the same shall be entered in full on the minutes of the board.

Proceedings necessary to propose funding of bonds.

SEC. 4. Immediately after the recording of said petition, the board shall call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of such district in the amount set forth in said petition shall be issued. 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 before such election. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, the purposes for which they are to be issued, together with a general description of the indebtedness sought to be funded, except as herein otherwise provided. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers as provided by the law governing irrigation districts at the time of the holding of the election herein provided for; *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 two thirds of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued. If more than one third of the votes cast at such election are "Bonds—No," the result of such election shall be so declared. The result in either case shall be duly entered of record.

Recording petition and calling special election.

Publication of notice.

Must specify.

Election, how held.

Ballots.

Two-thirds vote necessary.

SEC. 5. The board of directors shall within thirty days after the issue of any bonds herein provided for bring an action in the Superior Court of the county wherein is located the office of such board, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and juris-

Action to determine validity of bonds.

diction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within thirty days after the full publication of such summons in the manner herein provided. Any one interested may, at any time before the expiration of said thirty days, appear and by proper proceedings contest the validity of such bonds, and may in the same action or proceeding contest the validity of any bonds, coupons, or other evidences of indebtedness referred to in the petition for funding and proposed to be funded, and if any such bonds, coupons, or evidences of indebtedness be shown to be invalid, then the same shall only be funded for the amount of such proportion thereof as equals the fair and reasonable value of whatever the district may have received in consideration therefor, together with unpaid interest thereon, and the amount of such proportion shall be determined and adjudicated by the court in said action or proceeding. Such action shall be speedily tried and judgment rendered declaring such bonds so contested either valid or invalid. Either party shall have the right to appeal at any time within thirty days after the entry of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Validity  
may be  
contested.

Appeal.

Action  
may be  
brought in  
Superior  
Court.

SEC. 6. If no such proceeding shall have been taken by the board of directors, then at any time after thirty days and within ninety days after the issue of any bonds under the provisions of this Act, any district assessment-payer may bring an action in the Superior Court of the county wherein the office of the board of directors is located, to determine the validity of any such bonds. The board of directors shall be made parties defendant, and service of summons shall be made on the members of the board personally, if they can be found within the State; if not, then by publication for three weeks in some newspaper of general circulation within the county wherein the office of the board of directors is located, such newspaper to be designated by the court having jurisdiction. Before such publication can be had, an affidavit, in the usual form, shall be made, showing such facts. Said board shall have the right to appear and contest such action. Notice of said action shall be given by publication of summons therein in the same manner and for the same time as required in the preceding section hereof in actions brought by the board, and at any time within thirty days after the full publication of such summons in the manner herein provided. Any district assessment-payer or any one interested may appear and defend said action, and thereafter the same proceedings shall be had in such action as are hereinbefore provided for in the preceding section hereof in actions brought by the board of directors, and the same matters determined and adjudicated by the court therein. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing

of actions by the board to determine such matters. Such appeal shall be heard and determined within three months from the time of taking such appeal.

SEC. 7. At the hearing of such proceedings the court shall hear and determine the sufficiency of all proceedings.

SEC. 8. If more than one action shall be pending at the same time concerning similar contests in this Act provided for, they shall be consolidated and tried together.

SEC. 9. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this Act, are applicable to all actions or proceedings herein provided for. The costs of any hearing or contest herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

SEC. 10. No contest of any matter or thing herein provided for shall be made other than within the time and manner herein specified.

SEC. 11. If said bonds are directed to be issued as herein provided for, the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, and in twenty series, as follows, to wit: On the first day of January after the expiration of twenty years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond—each being wholly payable when due. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually on the first day of January and July of each year. They shall be negotiable in form, and shall be of denominations of not less than one hundred dollars, nor more than five hundred dollars. Said bonds shall in all respects conform to the form of bonds prescribed by the laws governing irrigation districts at the time of their issue, except as herein otherwise provided.

SEC. 12. It shall be unlawful to sell or exchange any of the bonds issued as herein provided, for less than their par value.

SEC. 13. When bonds issued under this Act shall be duly executed, they shall be deposited with the treasurer of the district, and his receipt shall be taken therefor, and he shall be charged with the same on his official bond, and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidence of indebtedness proposed to be funded shall have been surrendered to him, and he shall have been ordered by the board of directors of the district, by an order duly entered on their records, to make such delivery. When such bonds have been exchanged for other bonds, coupons, or other evidences of indebtedness,

General provisions governing contest proceedings in court.

Issue and payment of bonds, etc.

Interest.

Duty of district treasurer.

the treasurer shall at once cancel such other bonds, coupons, or other evidences of indebtedness by writing across the face thereof "canceled," and the date of cancellation, and report the same with his monthly report to the board of directors of the district, designating the bond, coupon, or other evidence of indebtedness, so that it can be identified, the date of cancellation, and the person from whom it was received, together with the amount paid therefor, or the terms of exchange, in case there is an exchange.

Sale of  
bonds;  
powers of  
board.

SEC. 14. When said bonds are issued for the purpose of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money to pay bonds, coupons, or other evidences of indebtedness of the district which were outstanding at the time of the filing of said petition, and generally described therein. Before making any sale, the board shall at a meeting, by resolution, declare its intention to sell a specified amount of bonds, which resolution shall be entered in the minutes, and notice of the sale shall be given by publication thereof for at least three weeks in a newspaper published in the county in which the office of the board of directors is kept. The notice shall state that sealed proposals will be received by the board at its office for the purchase of 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 bonds to the highest responsible bidder, or may reject all bids; but said bonds shall in no event be sold for less than their par value, including accrued interest. All moneys realized from the sale of bonds issued under the provisions of this Act shall be paid into the hands of the district treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing the said petition, and described therein.

Levy of  
assessment  
to pay  
bonds.

SEC. 15. At the time fixed for the levying of assessments for other purposes authorized by the district irrigation law then in force, there shall be levied an assessment sufficient in amount to pay the principal and interest then due and unpaid on any bonds issued by authority of this Act, and also the amount to become due on any such bonds during the year following such levy. The assessment so levied shall be computed and entered in the assessment roll in the same manner, and shall be collected at the same time and in the same manner as other assessments authorized by the district irrigation law then in force, and when collected shall be paid into the district treasury for the purposes herein authorized; and all the provisions of said district irrigation law relating to the collection of assessments and the sale and redemption of property therefor shall be applicable to the assessments levied under this Act.

Bonds  
may be ex-  
changed.

SEC. 16. The bonds issued as herein provided for may be exchanged, at not less than their par value, including accrued interest, for any of the indebtedness set out and described in the petition upon which such funding bonds were issued. A

contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; *provided*, that they must always receive not less than par and accrued interest for any bonds so exchanged; *and provided further*, that no bonds shall be so exchanged except in accordance with the judgment of the Superior Court in the action hereinbefore provided for, or until after final judgment shall have been entered in said action.

SEC. 17. Whenever there remains in the hands of the treasurer of any district any funding bonds voted to be issued by said district, but not used, and not necessary to be used for the funding purposes set out and described in the petition for the issuance of said bonds, then said board of directors shall, at a regular meeting, within three months after the completion of the funding, cause the same to be destroyed and a record to be made thereof, and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall be thereafter reprinted or reissued.

Unneces-  
sary bonds  
may be  
destroyed.

SEC. 18. Any bonds issued under the provisions of this Act shall be a lien upon the property of the district.

Bonds are  
a lien on  
property.

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

#### CHAPTER CCLV.

*An Act making an appropriation to pay the printing expenses of the thirty-second session of the Legislature.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated, or so much thereof as may be necessary, out of any money in the state treasury not otherwise appropriated, to pay the printing expenses of the thirty-second session of the Legislature.

Appropriation for printing expenses of thirty-second session of Legislature.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCLVI.

*An Act to amend sections thirty-six hundred and sixty-four and thirty-six hundred and sixty-five of the Political Code.*

[Approved April 1, 1897.]

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

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

Authorized agent of corporation shall furnish State Board of Equalization a statement.

3664. The president, secretary, or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation, and each person, or association of persons, owning or operating any railroad in more than one county in this State, shall, on or before the first Monday in April of each year, furnish the said board a statement, signed and sworn to by one of such officers, or by the person or one of the persons forming such association, showing in detail for the year ending on the first Monday in March in each year:

Showing what, for year ending March 1.

1. The whole number of miles of railway in the State, and, where the line is partly out of the State, the whole number of miles without the State, and the whole number within the State, owned or operated by such corporation, person, or association;

2. The value of the roadway, roadbed, and rails of the whole railway, and the value of the same within the State;

3. The width of the right of way;

4. The number of each kind of all rolling stock used by such corporation, person, or association in operating the entire railway, including the part without the State;

5. Number, kind, and value of rolling stock owned and operated in the State;

6. Number, kind, and value of rolling stock used in the State, but owned by the party making the returns;

7. Number, kind, and value of rolling stock owned, but used out of the State, either upon divisions of road operated by the party making the returns, or by and upon other railways.

Also showing in detail for the year preceding the first of January:

Showing what, for year ending January 1.

1. The gross earnings of the entire road;

2. The gross earnings of the road in the State, and where the railway is let to other operators, how much was derived by the lessor as rental;

3. The cost of operating the entire road, exclusive of sinking fund, expenses of land department, and money paid to the United States;

4. Net income for such year, and amount of dividend declared;

5. Capital stock authorized;



6. Capital stock paid in;
7. Funded debt;
8. Number of shares authorized;
9. Number of shares of stock issued;
10. Any other facts the State Board of Equalization may require;

11. A description of any part or portion of such railroad which may be in the possession and control of any other railroad company or corporation, and operated by such other corporation under a lease or other contract;

12. The president, secretary, or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation or association of persons operating in this State any portion of a line of railroad owned by and belonging to some other corporation or association, which runs in more than one county, shall make the same statement as is herein required to be made by the foregoing provisions of this section by the owner of such railroad;

13. A description of the road, giving the points of entrance into and the points of exit from each county, with a statement of the number of miles in each county. When a description of the road shall once have been given, no other annual description thereafter is necessary, unless the road shall have been changed. Whenever the road, or any portion of the road, is advertised to be sold, or is sold for taxes, either state or county, no other description is necessary than that given by, and the same is conclusive upon, the corporation, person, or association giving the description. No assessment is invalid on account of a misdescription of the railway, or the right of way for the same.

If such statement is not furnished as above provided, the assessment made by the State Board of Equalization upon the property of the corporation, person, or association failing to furnish the statement is conclusive and final. Penalty.

SEC. 2. Section thirty-six hundred and sixty-five of the Political Code is amended to read:

3665. The State Board of Equalization must meet at the state capitol on the third Monday in July, and continue in open session from day to day, Sundays excepted, until the first Monday in August. At such meeting the board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county, but franchises derived from the United States shall not be assessed. Assessments must be made to the corporation, person, or association of persons owning the same. If any portion of any railroad less than the whole is operated by some corporation or association of individuals other than the owner of such railroad, under lease or other contract, and such portion so operated runs into more than one county, the value of such part or portion of such railroad shall be assessed separate and apart from the balance of said railroad, and the board shall assess the roadway, roadbed, and rails of such portion of such railroad, together with the rolling stock used thereon by the

Meetings  
of State  
Board of  
Equaliza-  
tion for  
railway  
assessment  
purposes.

corporation or association of individuals operating the same. The depots, stations, shops, and buildings erected upon the space covered by the right of way, and all other property owned by such person, corporation, or association of persons, are assessed by the Assessor of the county wherein they are situate. Within twenty days after the first Monday of August, the board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The board must also, within said time, transmit, by mail, to the County Auditor of each county, or city and county, to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county, or city and county, with a description of the said track within the county, or city and county, including the right of way, by metes and bounds, or other description sufficient for identification, the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within the State, and the amount apportioned to the county, or city and county. The Auditor must enter the statement on the assessment roll or book of the county, or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll as aforesaid, which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the fourth Monday in September, the Board of Supervisors must make, and caused to be entered in the proper record book, an order stating and declaring the length of main track of the railway assessed by the State Board of Equalization within the county, the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxation district in the county, or city and county, through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the clerk of the Board of Supervisors must transmit a copy of each order or equalization to the city council, or trustees, or other legislative body of incorporated cities or towns, the trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes, as the property of individuals within such city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a rail-

Apportionment of assessment

Transmit a statement to County Auditors.

Duty of County Auditor.

Duty of Board of Supervisors.

way assessed by the State Board of Equalization is dissatisfied with the assessment made by the board, such owner may, at the meeting of the board, under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the first Monday in August and the first Monday in September, apply to the board to have the same corrected in any particular, and the board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the State. If the board shall increase or lower any assessment previously made by it, it must make a statement to the County Auditor of the county affected by the change in the assessment of the change made, and the Auditor must note such change upon the assessment book or roll of the county, as directed by the board.

Procedure when the railway assessment is not satisfactory.

## CHAPTER CCLVII.

*An Act to amend section seven hundred and fifty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.*

[Approved April 1, 1897.]

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

SECTION 1. Section seven hundred and fifty-eight of the Act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:

Section 758. The trustees of any free public library created or existing in such city under the provisions of an Act entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the second Monday in April next succeeding the passage and approval of this Act, and shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. In case a vacancy shall occur in the office of trustee of such free public library and reading-room, the board of trustees of said free public library and reading-room shall choose a person to fill such vacancy, who shall serve until the next general municipal election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Trustees of free public libraries, when elected.

Term.

Vacancy.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCLVIII.

*An Act to provide for the protection and preservation of public highways from damage by storm waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.*

[Approved April 1, 1897.]

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

Board of Supervisors to take action to protect roads from storm waters.

SECTION 1. Whenever it appears to the Board of Supervisors that any public road, in any road district of the county, is in danger of being damaged by storm waters or floods, or whenever any public highway has already been damaged by storm waters or floods, it is hereby made the duty of the Board of Supervisors to adopt such measures as may be necessary to prevent such damage, or to repair the same; and the Board of Supervisors is hereby authorized to construct flumes, ditches, or canals, for the purpose of carrying off such storm waters or floods to a place of safety, and may condemn the right of way for such flumes, ditches, or canals for such purpose; *provided, however,* that no more than the sum of one thousand dollars shall be used for such purpose in any one road district of the county in any one year.

SEC. 2. All moneys used for the purposes of this Act may be taken from the general road fund of the county.

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

## CHAPTER CCLIX.

*An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.*

[Approved April 1, 1897.]

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

Appropriation for deficiency, contingent expenses, Senate, thirty-first session.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of three hundred twenty-five dollars and seventy-eight cents, to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirty-first session, California Legislature.

SEC. 2. The Controller is hereby directed to draw his warrant against the appropriation herein made in favor of the following persons and for the following amounts, to wit: L. H. Pedlar, forty-eight dollars; G. L. Henry, fifty dollars; C. R. Mayhew, fifty dollars; J. L. McComas, fifty dollars; Joseph McAuliffe, forty-five dollars; A. S. Baker, thirty-five dollars; R. A. May,

thirty-five dollars; E. J. Niles, twelve dollars and seventy-eight cents; Hiram Clock, the sum of twenty-eight dollars.

SEC. 3. This Act shall take effect immediately.

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CHAPTER CCLX.

*An Act making an appropriation for enlarging the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of two thousand six hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the enlarging of the laundry of the Southern California State Asylum for the Insane and Inebriates to double its present capacity; said sum to be paid to the board of trustees of said asylum. Appropriation to enlarge laundry, Southern California Asylum.

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant in favor of the board of trustees of the Southern California State Asylum for the Insane and Inebriates, for the amount and purpose herein specified.

SEC. 3. This Act shall take effect immediately.

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CHAPTER CCLXI.

*An Act to amend sections eighteen hundred and ninety-five, eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, nineteen hundred, nineteen hundred and twelve, nineteen hundred and thirteen, nineteen hundred and eighteen, nineteen hundred and nineteen, nineteen hundred and twenty-four, nineteen hundred and thirty-six, nineteen hundred and forty-five, nineteen hundred and sixty-two, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and seventy, nineteen hundred and seventy-three, nineteen hundred and seventy-four, nineteen hundred and seventy-six, nineteen hundred and eighty, nineteen hundred and eighty-one, nineteen hundred and eighty-two, nineteen hundred and eighty-four, nineteen hundred and eighty-six, nineteen hundred and ninety, two thousand and three, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and seventy-six, two thousand and eighty-four, two thousand and ninety-four, two thousand and ninety-nine, and twenty-one hundred and five of the Political Code, and to repeal section twenty-one hundred and one thereof, and to add three new sections thereto, to be known as*

*sections nineteen hundred and forty-six, two thousand and eight, and two thousand and nine, all relating to the National Guard of California.*

[Approved April 1, 1897.]

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

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

Citizens  
subject to  
military  
duty.

1895. Every able-bodied male citizen of this State, except Mongolians and Indians, between the ages of eighteen and forty-five years, not exempt by law, is subject to military duty. But no alien is obliged to serve or bear arms against the State to which his allegiance is due.

SEC. 2. Section eighteen hundred and ninety-seven of the Political Code of California is hereby amended to read as follows:

County  
Assessor to  
enroll  
those  
subject to  
duty.

1897. The County Assessor of each county in this State must, at the same time in each year when he prepares a roll containing the taxable inhabitants of his district or county, enroll all the inhabitants thereof subject to military duty, two copies of which roll must be sworn to by him, and delivered to the clerk of the Board of Supervisors at the same time he delivers the assessment roll. In the City and County of San Francisco the Tax Collector must perform the duties by this section imposed upon Assessors.

SEC. 3. Section eighteen hundred and ninety-eight of the Political Code of California is hereby amended to read as follows:

Penalty for  
failure on  
part of  
Assessor.

1898. If any Assessor, or the Tax Collector of the City and County of San Francisco, neglects or refuses to perform any of the duties required of him by this chapter, he is subject to the same liabilities as are provided by law for a neglect or refusal to perform any of the duties required of him in the assessment of taxes, and, in addition, forfeits not less than three hundred, nor more than one thousand, dollars, to be sued for in the name of the people of the State, by the District Attorney of the respective counties, and when recovered to be paid into the military fund of the State. If the clerk of the Board of Equalization neglects or refuses to deliver to the brigadier-general of the brigade to which his county belongs a copy of the military assessment roll, as directed in this chapter, he forfeits not less than three hundred, nor more than five hundred, dollars, to be sued for, recovered, and disposed of in the same manner.

Liability of  
clerk of  
Board of  
Equaliza-  
tion.

SEC. 4. Section nineteen hundred of the Political Code of California is hereby amended to read as follows:

Duty of  
clerk of  
Super-  
visors.

1900. The clerk of the Board of Supervisors must deliver to the brigadier-general of the brigade to which his county belongs a copy of such roll, certified by him, within ten days after the Board of Equalization have completed their corrections.

SEC. 5. Section nineteen hundred and twelve of the Political Code of California is hereby amended to read as follows:

1912. The organized uniformed militia of the State of California are known as the National Guard of California. This force shall not exceed sixty-five companies, of which fifty-six companies shall be cavalry, artillery, or infantry, as the board of location may direct, and five divisions of the naval battalion, and the other four companies shall be distributed to such arms of the service as the board of location may direct. The National Guard must be located throughout the State with reference to the military wants thereof, means of concentration, and other military requirements. The word "division," as used in this section in connection with the naval battalion, shall have the same meaning and effect as "company" when used in connection with the infantry.

National Guard of California.

Number of companies.

Location.

SEC. 6. Section nineteen hundred and thirteen of the Political Code of California is hereby amended to read as follows:

1913. The commander-in-chief, major-general, and adjutant-general constitute a board of location and organization of the National Guard, with power to transfer, attach, consolidate, or disband companies, and to reorganize at pleasure regiments and battalions.

Board of location, etc.

SEC. 7. Section nineteen hundred and eighteen of the Political Code of California is hereby amended to read as follows:

1918. The commander-in-chief, by and with the advice and consent of the Senate, must appoint one major-general, and for each brigade of the National Guard of California one brigadier-general, who must be citizens of the United States and of the State, and have served at least four years as officers in the National Guard of California, two years of which service shall have been as a field officer; and the brigadier-generals must be residents of the localities within the brigades for which they are appointed. They take rank according to the date assigned them in their commissions, which date shall be from the time of their appointment, and hold their office until their successors are appointed and qualified.

General officers.

SEC. 8. Section nineteen hundred and nineteen of the Political Code of California is hereby amended to read as follows:

1919. All staff officers shall be citizens of the State of California.

SEC. 9. Section nineteen hundred and twenty-four of the Political Code of California is hereby amended to read as follows:

1924. All commissioned officers of regiments, battalions, troops, batteries, and companies of the National Guard must take rank according to the date assigned them by their commissions, which date shall be from the time of their election or appointment; and when two of the same grade are of the same date their rank must be determined by length of previous military service in the State; and if of equal service then by lot. Officers of regiments, battalions, troops, batteries, and companies of the National Guard, in all cases, are of superior rank to officers of the enrolled militia of the same grade, irrespective of the date of their commissions.

Rank of commissioned officers.

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

Privileges  
and ex-  
emptions  
of members  
of National  
Guard.

1936. All officers, musicians, and privates of the National Guard who comply with all military duties, as provided in this chapter, are entitled to the following privileges and exemptions, viz.: exemption from road tax, and head tax of every description except the poll tax provided for in article thirteen, section twelve, of the Constitution, exemption from jury duty, and service on any *posse comitatus*. All officers, non-commissioned officers, musicians, and privates, who have faithfully served in the military service of this State for the space of seven consecutive years, and received the certificate of the adjutant-general certifying the same, are thereafter exempted from further military and jury duty, except in time of war. And the adjutant-general must issue such certificate of exemption when it appears that the party applying is entitled to the same.

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

Service  
medals.

1945. The State shall provide a bronze service medal, with a bronze bar attached thereto, for ten years' active service; for fifteen years' active service, a silver bar shall be attached; and for twenty years' active service, a gold bar shall be attached to the same medal. There shall be no other or different medals for service. Such medals shall be prepared and issued by the adjutant-general, only, upon application of the party entitled thereto, and upon proof of such service from the records of the National Guard.

SEC. 12. A new section is hereby added to the Political Code of the State of California, to be known as section nineteen hundred and forty-six thereof, to read as follows:

Decorations  
which may  
be worn.

1946. The insignia of the Veterans of the Mexican War, the Military Order of the Loyal Legion, the Grand Army of the Republic, and of armies or army corps indicating actual services in the field, and badges indicating long and faithful service in the National Guard, of this and other States, and state marksman badges, may be worn by officers and men of the National Guard of California, entitled to them, upon the left breast, in one line, on the uniform coat or service blouse, the top of the ribbons on a line with the arm-pit, in the order named above, from right to left. No other medals, badges, ribbons, or decoration shall be worn.

SEC. 13. Section nineteen hundred and sixty-two of the Political Code of California is hereby amended to read as follows:

Numerical  
strength.

1962. The companies, troops, and batteries of the National Guard shall be composed of officers and men as follows:

Company.

1. Each company of infantry shall have not less than fifty, nor more than one hundred and three, officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, and two musicians;

Troop.

2. Each troop of cavalry shall have not less than fifty, nor more than one hundred and three, officers, non-commissioned



officers, and privates, which must include one commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two trumpeters, two farriers, and one saddler;

3. Each foot battery shall have not less than fifty, nor more than one hundred and three, officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, and two trumpeters;

4. Each field battery shall have not less than sixty-one, nor more than one hundred and forty-nine, officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two trumpeters, two farriers, and one saddler;

5. The numerical strength, rank, titles, and insignia of rank of the companies, troops, and batteries, and their officers and men, of the National Guard, shall conform to the laws, rules, and regulations of the United States army and navy, so far as the same may be effectively applicable; and upon changes being made in the said laws, rules, and regulations of the United States army and navy, the commander-in-chief of the National Guard shall cause the same changes to be made in the National Guard to correspond thereto, so far as they may be effectively applicable as aforesaid;

6. Each company, troop, battery, or division naval militia, may have not to exceed ten honorary members, who shall pay fifty dollars per annum each into the company, troop, battery, or naval division treasury, and shall thereupon be entitled to all the exemptions to which men on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership;

7. The naval militia of the National Guard of California shall be commanded by a captain. There shall also be allowed to the naval militia the following commissioned officers, viz.: One executive officer, with rank of lieutenant-commander; one chief engineer, with rank of lieutenant-commander; one navigating officer, with rank of lieutenant; one paymaster, who shall be the mustering officer of the naval militia; one ordnance officer; one surgeon and one aide, each with rank of lieutenant; one assistant surgeon, with rank of lieutenant junior grade, and one signal officer, with rank of ensign. Each division shall be commanded by a lieutenant, and shall contain one lieutenant junior grade, two ensigns, and not less than fifty nor more than one hundred petty officers and men. And each division located outside of San Francisco shall be allowed an assistant surgeon, with rank of ensign. There may be three warrant officers, viz.: boatswain, gunner, and carpenter. The petty officers of the naval militia shall be one apothecary, one chief master-at-arms, one chief signal

quartermaster, one chief bugler, one chief coxswain, one engineer's yeoman, one paymaster's yeoman; and there may be, not to exceed, two others of such ratings as the exigencies of the service may dictate. The divisional petty officers shall be rated as in the United States navy;

Organiza-  
tion of  
naval  
militia  
shall con-  
form to  
laws and  
rules of  
U. S. army  
and navy.

8. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States as it now is, or may hereafter be, prescribed by Congress. When not otherwise provided for, the government of the naval militia shall be controlled by the provisions of the Political Code relating to the National Guard of California, and the Governor shall have power to alter, divide, annex, consolidate, or disband the same, whenever, in his judgment, the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia; but such rules and regulations shall conform as nearly as practicable to those governing the United States navy;

Duty of  
naval  
militia.

9. The duty of the naval militia required by law, or any part of it, may be performed afloat in United States vessels. Officers and men of the naval militia mustered temporarily into the service of the United States for instruction and drill, and receiving compensation therefor from the United States, shall not, during the same term, be entitled to compensation from the State;

United  
States in-  
structors.

10. The Governor is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the navy, to act as inspectors and instructors in the art of naval warfare;

Allowance  
to naval  
militia.

11. The naval militia battalion and divisions shall receive the same allowance from the State as infantry battalions and companies.

SEC. 14. Section nineteen hundred and sixty-five of the Political Code of California is hereby amended to read as follows:

Bonds of  
command-  
ing officers.

1965. The commanding officer of each troop, battery, company, naval division, or signal corps must give such bonds and security as may be required by the adjutant-general to secure the State and the company from loss on account of misuse or misapplication of any state property or funds. Said bond must be with two or more good and sufficient sureties conditioned upon his faithful performance of all duties, and accounting for all property and moneys, both state and company funds, of which the commander, as ex officio treasurer, shall be the custodian.

SEC. 15. Section nineteen hundred and sixty-six of the Political Code of California is hereby amended to read as follows:

Same.

1966. Such bonds being to his satisfaction, and on receiving duplicate receipts from such officer, the adjutant-general must make the issue.

SEC. 16. Section nineteen hundred and seventy of the Political Code of California is hereby amended to read as follows:

1970. The commander-in-chief shall order an annual inspection and muster of the National Guard between January first and June thirtieth, each year; the dates of inspection and details thereof shall be determined by the division, brigade, and naval battalion commanders, respectively; and the commanding officer of each company must make out and certify the necessary muster rolls, showing the names and number of the members of the company, the officers in the order of their rank, and the privates in alphabetical order, and also a list of the ordnance, ordnance stores, clothing, and other property of the State, in the possession of the company. He must transmit, through the proper military channels, one copy of the roll and list attached to each superior headquarters.

Annual in-  
spections.

SEC. 17. Section one thousand nine hundred and seventy-three of the Political Code of the State of California is hereby amended to read as follows:

1973. 1. Any commissioned officer who has become disabled and incapable of longer performing the active duties of his office may, upon his own application, be placed upon the retired list; *provided*, that such disability may have been incurred while in the performance of duty.

Retired  
list; qual-  
ifications,  
and pro-  
cedure to  
be placed  
thereon.

2. If an officer, for either of the above reasons, desires to be placed upon the retired list, he shall make application to his brigade commander to appoint a board of surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, they shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the brigade commander and the commander-in-chief, the adjutant-general shall issue orders retiring such officer.

3. Any commissioned officer, who shall have served as such in the National Guard of this State for a continuous period of eight years, or for a period not continuous, of ten years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command with the rank held by him at the time such application is made. And any commissioned officer, who shall have at any time heretofore served as such in the militia or National Guard of this State for a continuous period of eight years, shall, upon his own application and due proof of such service, be placed upon the retired list with the rank held by him at the time of the expiration of his commission. Upon applications, as above provided, being duly made and approved, the commander-in-chief shall cause orders to be issued retiring the officer who makes application therefor in accordance with the provisions of this section; *provided, however*, that nothing herein contained shall be construed to permit the placing upon the retired list of any officer who shall have been dishonorably dismissed the service.

4. The officers on the retired list shall only be subject to detail for duty by orders from the commander-in-chief; and he shall cause to be issued such orders as he may deem necessary, detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such

Liability of  
retired offi-  
cers to  
duty.

other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are detailed for active duty other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office, the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officer shall again return to the retired list with his former retired rank. A roster of all officers on the retired list shall be kept in the adjutant-general's office, division headquarters, and at the brigade headquarters.

Roster of retired officers.  
Rank and precedence.

5. Officers on the retired list shall, on all occasions of duty, and all occasions of ceremony, take rank next to officers of like rank upon the active list.

SEC. 18. Section nineteen hundred and seventy-four of the Political Code of California is hereby amended to read as follows:

Examination of officers.

1974. 1. Every elected or staff officer of the National Guard must, upon his appointment or reappointment, election or reelection, to any office in the National Guard, appear before an examining board for examination as to his qualifications for the office to which he has been appointed or reappointed, elected or reelected; *provided*, that the provisions of this section do not apply to surgeons, judges-advocate, chaplains, or the staff of the commander-in-chief;

Examining boards.

2. Such boards shall consist of three officers for each brigade, three officers for the naval battalion, and three officers for the division staff. All of such boards to be designated by the commander-in-chief, and to be removable at his pleasure;

Notification.

3. The officer duly appointed to preside at any election shall, immediately after declaring the result of such election, notify the officer or officers elected that they must appear before the examining board for examination, when notified by that board;

Failure to appear.

4. If the officer elected or reelected, and duly notified, does not appear before the said examining board when summoned by them, he shall be deemed to have declined his commission, and there shall be another election ordered. The filing of a proper certificate of said board with the officer ordering the election, that the officer has failed to pass an examination, or declined to appear before the board when notified, shall be deemed sufficient for ordering a new election.

SEC. 19. Section nineteen hundred and seventy-six of the Political Code of California is hereby amended to read as follows:

Applications for membership.

1976. Application or propositions for membership in any troop, battery, naval division, or company of the National Guard shall be made only at a regular weekly meeting or assemblage of such organization; and the names of such applicants shall be posted in a conspicuous place in its headquarters or armory, until the next succeeding regular weekly meeting or assemblage of such organization, at which time, and not before, such applicants may be balloted for.

SEC. 20. Section nineteen hundred and eighty of the Political Code of California is hereby amended so as to read as follows:

Signal corps.

1980. There shall be mustered in and attached to the National Guard a detachment of signalmen, which shall be

divided into three signal corps, each to consist of not less than twenty, nor more than forty-five, men; *provided*, that each corps shall be located in its entirety at one place. Each corps of forty men, or over, shall be officered by one captain, one first lieutenant, three sergeants, and four corporals. Each corps of less than forty men shall be officered by one first lieutenant, three sergeants, and four corporals. The commissioned officers shall be elected, qualify, and serve as is provided for other officers of the line. The non-commissioned officers shall be appointed by the brigade commander upon recommendation of the brigade signal officer. The brigade signal officer shall have direct supervision of the detachment of signal corps, and the corps commander shall report to him direct. Whenever the signal corps shall be mounted in the performance of active duty, each officer and man so mounted shall receive a per diem of two dollars during the time of such service. Whenever a state appropriation shall be made for supplying horses to mounted officers and command, the signal corps shall receive a proportionate allowance from said fund; *provided*, that mounted service is being performed by the corps at such time.

Mounted  
service.

SEC. 21. Section nineteen hundred and eighty-one of the Political Code of California is hereby amended to read as follows:

1981. Each brigadier-general commanding a brigade, with the consent of the commander-in-chief, may muster in and attach to it a hospital and ambulance corps, consisting of not to exceed twelve men for each regiment in his brigade. Such corps shall have such commissioned and non-commissioned officers as the commander-in-chief shall prescribe, and shall report directly to the brigade commander, who shall appoint such non-commissioned officers as may be prescribed. When for drill, or in the performance of duty, any expense shall be incurred by any such corps, such expense shall be paid by the State; *provided*, that the same shall have been first authorized by the commanding officer of the brigade, afterward approved by such commanding officer and superior officers, as provided by law in the case of other commands.

Hospital  
and ambulance  
corps.

SEC. 22. Section nineteen hundred and eighty-two of the Political Code of California is hereby amended to read as follows:

1982. A regiment of the National Guard consists of not less than eight, nor more than twelve, companies. Each regiment shall be divided into battalions, of not less than four companies.

Regiments  
and battalions.

SEC. 23. Section nineteen hundred and eighty-four of the Political Code of California is hereby amended to read as follows:

1984. The field officers of a regiment are one colonel, one lieutenant-colonel, and one major for each battalion. The field officer of a battalion is one major. No person shall be eligible for election as a field officer unless he shall have served

Field  
officers.

at least two years in the National Guard of this State as a line officer.

SEC. 24. Section nineteen hundred and eighty-six of the Political Code of California is hereby amended to read as follows:

Election  
returns, in  
duplicate.

1986. Such presiding officer must make return in duplicate of the election held, to the officer ordering the election, who shall forward one copy of said election return to the examining board of such organization, and shall retain the other copy at his headquarters. Upon receiving notice from the examining board that the officer or officers elect have passed a successful examination, which notice shall be indorsed upon the return of election sent to said board, he shall forward the same through regular military channels for approval to the adjutant-general, who, upon finding the same in accordance with the provisions of law, orders, and regulations, must notify the commander-in-chief thereof for his consideration, who, if he approves, shall issue the commission. In all elections for commissioned officers a majority of the votes of those present (a majority of those entitled to vote being present) shall be necessary to a choice.

SEC. 25. Section nineteen hundred and ninety of the Political Code of California is hereby amended to read as follows:

Staff of  
colonel.

1990. The staff of a colonel commanding a regiment consists of one surgeon, with rank of major; one adjutant, with rank of captain; one assistant surgeon for each battalion, with rank of captain; such surgeons to be appointed as prescribed by section two thousand and nine of Political Code; one chaplain, with rank of captain; one battalion adjutant for each battalion, one quartermaster (who shall also act as paymaster), one commissary, one inspector of rifle practice (who shall be ordnance officer), each with the rank of first lieutenant; one sergeant-major, one principal musician, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, two color sergeants, one battalion sergeant-major for each battalion, one drum major. All of whom, except the surgeons, shall be appointed by, and hold office at the pleasure of the colonel, or until their successors are appointed and qualified. The staff of a major commanding an unattached battalion consists of one adjutant, with the rank of first lieutenant; one assistant surgeon, with the rank of captain; one commissary (who shall also be quartermaster), one inspector of rifle practice (who shall also be ordnance officer), each with the rank of second lieutenant; one sergeant-major, one commissary-sergeant (who shall also be quartermaster-sergeant), one hospital steward, and two color sergeants. All of whom, except the surgeon, shall be appointed by such commanding officer, and hold office at their pleasure, or until their successors are appointed and qualified.

Staff of  
major.

SEC. 26. Section two thousand and three of the Political Code of the State of California is hereby amended to read as follows:

2003. The National Guard of the State of California is hereby organized into three brigades, each commanded by a brigadier-general; the limits of each brigade to be fixed by the commander-in-chief. All officers deprived of office by reason of the Act approved March twenty-sixth, eighteen hundred and ninety-five, are hereby placed upon the retired list, with the rank held by each one when said Act went into effect.

Brigade  
organiza-  
tion.

SEC. 27. Section two thousand and six of the Political Code of California is hereby amended to read as follows:

2006. The staff of the major-general consists of one assistant adjutant-general, with the rank of colonel, who shall be chief of staff; one engineer officer, one division inspector, one quartermaster, one commissary, one paymaster, one ordnance officer, one judge-advocate, one inspector of rifle practice, and one signal officer, each with the rank of lieutenant-colonel; one surgeon with the rank of colonel, two aids-de-camp with the rank of major, and four staff orderlies with the rank of sergeant-major. All of whom, except the surgeon, shall be appointed by the major-general, and hold office at his pleasure, or until their successors are appointed and qualified. The surgeon mentioned in this section shall be appointed as prescribed by section two thousand and nine of the Political Code.

Staff of  
major-  
general.

SEC. 28. Section two thousand and seven of the Political Code of California is hereby amended to read as follows:

2007. The staff of the brigadier-general consists of one assistant adjutant-general, with the rank of lieutenant-colonel, who shall be chief of staff; one engineer officer, one brigade inspector, one quartermaster (who shall act as paymaster), one commissary, one judge-advocate, one inspector of rifle practice (who shall also act as ordnance officer), and one signal officer, each with the rank of major; one surgeon, with the rank of lieutenant-colonel; two aids-de-camp, with the rank of captain, and two staff orderlies, with the rank of sergeant-major. All of whom, except the surgeon, shall be appointed by the brigadier-general, and hold office at his pleasure, or until their successors are appointed and qualified. The surgeon mentioned in this section shall be appointed as prescribed by section two thousand and nine of the Political Code.

Staff of  
brigadier-  
general.

SEC. 29. A new section is hereby added to the Political Code of California, to be known as section two thousand and eight thereof, to read as follows:

2008. It shall be the duty of the inspector-general of rifle practice to exercise general supervision over the rifle practice of the National Guard; to inspect, or cause to be inspected, from time to time, all ranges and practice grounds, and see that the prescribed regulations for rifle practice are carried out by the National Guard, and that the proper returns thereof are made out; to report direct to general headquarters, from time to time, the improvement in marksmanship among the uniformed forces, together with all other matters pertaining to his duties. Commanders of brigades, regiments, and companies shall furnish to the inspector-general of rifle practice such information as he shall require in regard to the rifle prac-

Duty of  
inspector-  
general of  
rifle prac-  
tice.

tice of their commands, and as to the number and condition of all targets or other military property of the State issued to their respective commands for use in rifle practice; and if, at the conclusion of his inspection of any armory, range, or practice ground, he shall find any property appertaining to rifle practice, which ought to be kept therein, missing, injured, unfit for use, or deficient in any respect, or that such range or practice ground is dangerous, he shall forthwith report the facts in respect thereto to general headquarters. He may, from time to time, examine the officers upon the theory and practice of marksmanship, and upon the system of instruction of rifle practice. It shall be his duty to attend, as far as practicable, all general competitions in marksmanship among the National Guard, and see that such competitions are conducted with fairness and according to prescribed regulations. He shall make an annual report to general headquarters, in which he shall state the result of all competitions in marksmanship, with the names of the winners, together with such suggestions as he may see fit. The brigade inspectors of rifle practice shall have supervision of all matters appertaining to rifle practice within the limits of their respective brigades, under the direction of the brigade commander, as above prescribed for the inspector-general of rifle practice. They shall report to such inspector-general of rifle practice, whenever required by him, the condition of rifle practice in their respective brigades, and what practice of that description has been carried on during any period, and shall also, at his request, report to him upon any matter relating to rifle practice which may require examination within their respective brigades. They shall attend the competition for any prizes that may be offered by the State to the command to which they are attached, or that may be arranged between any of the companies of their brigades, and see that the same are conducted with fairness and according to the prescribed regulations for such competitive matches, and report to the inspector-general of rifle practice the result of such competitions, with the names of the winners, together with such suggestions as they may see fit to make. Regimental and battalion inspectors of rifle practice shall have supervision of all matters appertaining to rifle practice within the limits of their respective regiments or battalions, as prescribed for the brigade inspector of rifle practice. They shall report to said brigade inspector of their respective brigades, the condition of rifle practice in their respective regiments or battalions, and what practice has been carried on during any period, and shall also, at his request, report to him upon any matter relating to rifle practice which may require examination within their respective regiments or battalions. They shall attend the competitions for any prize that may be offered, or that may be arranged between any of the companies of their respective regiments or battalions, and see that the same are conducted with fairness and according to the prescribed regulations for such competitive matches, and report to the brigade inspector of rifle practice the result of all such competitions, with the names

Duty of  
brigade in-  
spectors of  
rifle prac-  
tice.

Duty of  
regimental  
and battal-  
ion inspec-  
tors of rifle  
practice.



of the winners, together with such suggestions as they may see fit.

SEC. 30. A new section is hereby added to the Political Code of California, to be known as section two thousand and nine thereof, to read as follows:

2009. 1. The medical department of the National Guard of California is hereby organized into a sanitary corps, which shall consist of one surgeon-general, with the rank of colonel, who shall be the executive head of the corps, and such number of commissioned officers, non-commissioned officers, and privates as may be required to furnish an efficient service for the organized strength of the National Guard. Sanitary corps, organization of.

2. The commissioned strength of the sanitary corps shall be determined by the organization of the National Guard, to wit: To each organized division, one chief surgeon, with the rank of colonel; to each organized brigade, one chief surgeon, with the rank of lieutenant-colonel; to each organized regiment, one surgeon, with the rank of major; and a surgeon, with the rank of captain, for each battalion.

3. The appointment of the commissioned officers of the sanitary corps shall be made by the commander-in-chief, upon the recommendation of the division, brigade, regimental, or battalion commanders.

4. The commander-in-chief is hereby authorized to transfer enlisted men of the National Guard to the sanitary corps, or cause to be enlisted for the same as many hospital sergeants, hospital corporals, and privates as the service may require, who may be mounted, and permanently attached to the sanitary corps, under such regulations as the commander-in-chief may prescribe.

5. No person shall receive the appointment of surgeon unless he is a licensed graduate of a medical school, and unless he shall have been examined and approved by a medical board, consisting of not less than three surgeons, designated by the commander-in-chief, upon the recommendation of the surgeon-general.

6. No person shall be transferred to or enlisted into the sanitary corps unless he shall have passed a satisfactory examination, as to his qualifications, before a board of medical officers, to be appointed by the commander-in-chief, upon the recommendation of the surgeon-general.

7. Assignments of commissioned and non-commissioned officers and privates of the sanitary corps shall be made, and their duties prescribed by the commander-in-chief, upon the recommendation of the surgeon-general.

8. Privates of the sanitary corps shall do duty as cooks, nurses, and attendants in hospitals, and as stretcher-bearers and ambulance-drivers and attendants in the field, and such other duties as may be required of them by proper authority.

9. The pay and emoluments of members of the sanitary corps shall be the same as provided by law for the pay of troops of the National Guard; they shall be subject to detail by the surgeon-general.

10. The sanitary corps shall be equipped and uniformed the same as the same department in the United States army. The funds to be expended by this department shall be expended by the authority of the commander-in-chief, upon the recommendation of the surgeon-general.

SEC. 31. Section two thousand and eighteen of the Political Code of California is hereby amended to read as follows:

Parades.

2018. The National Guard of California must parade in each year as follows:

1. On the fourth of July;
2. For target practice at such times as may be designated by the commander-in-chief, and at least once in each year;
3. These parades shall be made by brigade, regiment, battalion, or company, as may be deemed most advisable by the commander-in-chief, who shall issue orders to the National Guard to carry out the provisions of this section.

SEC. 32. Section two thousand and twenty-two of the Political Code of California is hereby amended to read as follows:

Annual encampments.

2022. The commander-in-chief may annually order an encampment for discipline and drill, either by division, brigade, regiment, battalion, or unattached company, and all troops assembled and encamped, under orders of the commander-in-chief, for not less than seven days, shall receive a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate for each company of such last-mentioned allowance of one dollar and twenty-five cents per day shall not exceed the sum of four hundred dollars per company; all officers and men shall receive, in addition to the above allowance, the actual fare to and from the place of encampment; *and provided further*, that when the division or a brigade is regularly assembled and encamped for discipline and drill for not less than seven days, then, in addition to the above allowance, the major-general, brigadier-general, the members of the staff of the commander-in-chief, and each staff officer on the general staff, shall receive from the State the sum of one dollar and twenty-five cents per day while regularly on duty in such camp; *and provided further*, that in any camp held in pursuance of orders from the commander-in-chief, all mounted officers and enlisted men shall receive the sum of two dollars per day for each horse necessarily used by them at such encampment; *and provided further*, that by all officers and enlisted men of companies of the naval battalion such services may be performed afloat. Aforesaid allowances shall be paid only when appropriations are made sufficient for that purpose.

Allowances while in camp.

SEC. 33. Section two thousand and seventy-six of the Political Code of California is hereby amended to read as follows:

Courts-martial.

2076. The following officers may appoint courts-martial:

1. The commander-in-chief, for the trial of general officers, retired officers, and all officers of the staff of the commander-in-chief;
2. The major-general, for the trial of all staff officers of the

division and brigades, and of field officers of regiments and battalions;

3. The brigadier-general, for the trial of officers and soldiers in their respective brigades;

4. The commanding officers of regiments and unattached battalions, for the trial of all enlisted men in their respective commands. For the trial of enlisted men of regiments or battalions, the commanding officer thereof may, at any time, appoint a summary court-martial, to consist of one officer whose rank is not below that of captain. For the trial of enlisted men of unattached companies, troops, or batteries, the brigade commander may, at any time, appoint a summary court-martial, to consist of a first lieutenant of such company, troop, or battery;

5. The officer appointing said court shall fix the day on which it shall convene, and when convened the court may adjourn from time to time, as shall become necessary for the transaction of business; but the whole session of the court, from the day on which it shall convene until its dissolution, shall not exceed forty-five days, and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy, or order a new court;

6. The officer constituting such court shall, before he enters on his duties as such, take the following oath: "I, ———, do swear (or affirm) that I will well and truly try and determine, according to evidence, all matters between the people of the State of California and any person or persons who may come before the summary court-martial to which I have been appointed." And such oath shall be taken by him before a Justice of the Peace of the county in which he resides, or a field officer, and it shall be the duty of such Justice of the Peace or field officer to administer the oath without fee or reward;

Oath,  
courts-  
martial.

7. Such court may direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed. Service shall be: (1) Personal; or (2) If personal service be impossible, by leaving such summons at the residence of the accused or delinquent; (3) If service cannot be effected in either of the ways above mentioned, then by depositing in a United States post office, postage paid, said summons addressed to last known place of residence;

8. Such non-commissioned officer, or other person or persons so designated, shall make a verified return of the service made;

9. The court shall be conducted in the same manner as summary courts-martial are in the service of the United States, and shall have the trial of all offenses, delinquencies, and deficiencies that occur in the regiment or battalion for which it shall have been appointed, and also of any that occur in the separate companies, troops, or batteries; and the said court shall have power to impose and direct to be levied all the fines or penalties to which enlisted men are declared to be subject by the provisions of this chapter;

Powers.

Sentence.

10. The proceedings and sentence of any such court shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove the same within thirty days thereafter, and shall give notice of his approval or disapproval to the president thereof; and from the sentence of any such court imposing a fine or penalty for any offense, delinquency, or deficiency, an appeal, if made within twenty days after the fine or penalty was made known to the person fined, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine.

SEC. 34. Section two thousand and eighty-four of the Political Code of California is hereby amended to read as follows:

Sheriff  
must serve  
process,  
etc.

2084. Every Sheriff and Constable must serve all orders, subpoenas, or process delivered to him for that purpose by any member of a court-martial or court of inquiry, and shall receive for such service the same fees, in the same manner, and account for the same, as provided by law in criminal cases.

SEC. 35. Section two thousand and ninety-four of the Political Code of California is hereby amended to read as follows:

Allow-  
ances for  
mainte-  
nance of  
armories,  
etc.

2094. There must be audited and allowed by the board of military auditors, and paid out of the appropriation 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 light battery having not less than four guns, with which they regularly drill and parade, and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month; and to the commanding officer of each division of the naval battalion, the sum of one hundred 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 appropriations, to the commanding officer of each regiment or battalion, the sum of six dollars per month for each company in his command, for clerical expenses, stationery, printing, and postage; 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 twenty people, the additional sum of thirty-five dollars per month for such band; to the major-general, six hundred dollars per annum; to the brigadier-general of each brigade, five dollars per month for each company in his brigade, 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, four thousand dollars per annum, to be expended by him in promoting rifle practice. There shall also be paid, from the military appropriations of the State, a sum not exceeding five hundred dollars for the first year of its existence, to the brigadier-general for a hospital and ambulance corps in their respective brigades, which sum shall be expended in the purchasing of proper supplies, equipments, and medicines for such corps, and thereafter to such corps there shall be paid

a sum, for the same purpose, of not exceeding five hundred dollars per annum.

Sec. 36. Section two thousand and ninety-nine of the Political Code of California is hereby amended to read as follows:

2099. The annual sum of two hundred and fifty dollars must be audited by the board, and paid out of the appropriation for military purposes, to each company of the National Guard of fifty members or over, and an amount in proportion to every company of less than fifty members. The amount so audited and allowed must be paid to the commanding officers of such companies for the use thereof.

Annual allowance to each company.

Sec. 37. Section twenty-one hundred and one of the Political Code of California is hereby repealed.

Repealed.

Sec. 38. Section twenty-one hundred and five of the Political Code of California is hereby amended to read as follows:

2105. There must be audited and allowed by the board of military auditors, and paid out of the appropriations for military purposes, to the commanding officer of each signal corps in the National Guard, the sum of three dollars per month for each member of said corps, the sum so paid to be used for armory rents, care of arms, and proper incidental expenses of the signal corps; *provided*, that no allowance shall be made for more than forty men to any one signal corps. Demand shall be made and presented in the same manner as for the expenses of a company.

Allowance for signal corps.

Sec. 39. This Act shall take effect immediately.

## CHAPTER CCLXII.

*An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.*

[Approved April 1, 1897.]

*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 provide for the classification of municipal corporations," approved March second, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Section 1. All municipal corporations within the State are hereby classified as follows: Those having a population of more than two hundred thousand shall constitute the first class; those having a population of more than thirty thousand, and not exceeding two hundred thousand, shall constitute the second class; those having a population of more than fifteen thousand, and not exceeding thirty thousand, shall constitute the third class; those having a population of more than ten thousand, and not exceeding fifteen thousand, shall constitute the fourth

Municipal corporations, classification of.

class; those having a population of more than three thousand, and not exceeding ten thousand, shall constitute the fifth class; those having a population of not exceeding three thousand, shall constitute the sixth class.

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

### CHAPTER CCLXIII.

*An Act to provide for the purchase of additional land for the Preston School of Industry at Ione.*

[Approved April 1, 1897.]

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

Preston  
School of  
Industry,  
purchase of  
additional  
land for.

SECTION 1. The board of trustees of the Preston School of Industry are hereby authorized to purchase from Mrs. Emma Rendell, for the State of California, that tract of land contiguous to the tract of land now used as the ranch of the Preston School of Industry at Ione. Said land to be purchased being described as follows: All that certain tract or parcel of land lying and being in Ione Valley, in the County of Amador, in the State of California, and known as the Oak Grove ranch, and bounded and described as follows: Beginning at the northwest corner of the inclosure opposite the Oak Grove house on the road between Ione City and the "Q" ranch, which corner is six chains and forty-six links from the north side of said road measured along the western fence of said inclosure, thence running across "Mule" creek south seventy-five degrees and fifteen minutes east (true bearing) along the northern fence of said inclosure forty-four chains to corner of said fence, thence continuing the said course sixteen chains more, making in all sixty chains to stake marked seven, thence south fourteen degrees forty-five minutes west (true bearing), crossing two branches of the aforesaid road forty chains to a stake marked seven, thence north seventy-five degrees fifteen minutes west (true bearing), descending the bluff on the south side of "Mule" creek bottom, sixty chains to a stake at the southeast corner of an inclosure formerly occupied by A. R. Phillips, thence north fourteen degrees forty-five minutes east (true bearing) along the fence of said inclosure, crossing "Mule" creek and the aforesaid road, forty chains to the place of beginning, containing in all two hundred and forty acres, including the aforesaid road--variation of needle fifteen degrees forty seconds; *provided*, a good title, free and clear of incumbrance, can be obtained; *and provided further*, that the purchase price shall not exceed five thousand dollars, gold coin of the United States of America.

Appropriation.

SEC. 2. The sum of five thousand dollars, or such portion thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the

purchase mentioned in the first section of this Act; and the Controller is hereby authorized to draw his warrant for said amount, and the Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

#### CHAPTER CCLXIV.

*An Act to appropriate sixty thousand dollars for the erection of an administration building for the use and occupancy of the officers, employes, and patients of the Mendocino Asylum; to purchase furniture and furnish the building so to be erected by the directors of said asylum; to appropriate money therefor, and provide for the expenditure of the same.*

[Approved April 1, 1897.]

*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 sixty thousand dollars, to be paid on the order of the directors of the Mendocino Asylum, for the erection of an administration building for the use and occupancy of the officers, employes, and patients of the Mendocino Asylum, for the purchasing of furniture to furnish said administration building.

Appropriation for erection of administration building, Mendocino Asylum.

SEC. 2. The sums herein appropriated for building purposes shall be expended pursuant to the provisions of an Act entitled "An Act to establish a branch insane asylum for the insane of the State of California, at Ukiah, to be known as the Mendocino State Insane Asylum, and appropriating money therefor," approved February twentieth, eighteen hundred and eighty-nine, and "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March twenty-three, eighteen and seventy-six.

SEC. 3. The State Board of Examiners shall examine, audit, and allow all demands arising under this Act, and the said Acts herein mentioned, and the State Controller shall thereupon draw his warrant therefor, payable out of the general fund, and the State Treasurer is hereby authorized to pay the same.

SEC. 4. The amounts herein appropriated for the purchase of furniture and furnishing the buildings erected by the directors of said asylum may be drawn in one sum, or in such sums as the board of directors of said insane asylum may desire.

SEC. 5. In no case shall the directors of said asylum use any moneys herein specifically appropriated for any purpose other than the one for which such appropriation is made.

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

## CHAPTER CCLXV.

*An Act to amend section seven (7) of "An Act authorizing corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts, by such corporations," approved April 6, 1891.*

[Approved April 1, 1897.]

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

Corporations acting as executor or in other capacities.

SECTION 1. Section seven (7) of "An Act authorizing corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April sixth, eighteen hundred and ninety-one, is hereby amended to read as follows, to wit:

Deposit.

SECTION 7. Each corporation, before accepting any such appointment or deposit, shall deposit with the Treasurer of State, for the benefit of the creditors of said corporation, the sum of one hundred thousand dollars (\$100,000.00), in bonds of the United States, or municipal bonds of this State, or of any county, or city, or school district thereof, or in mortgages on improved and productive real estate in this State, being first liens thereon, and the real estate being worth at least twice the amount loaned thereon. The bonds and securities so deposited may be exchanged from time to time for other securities, receivable as aforesaid. Said bonds of the United States, or municipal bonds of this State, or of any county, city, or school district thereof, to be registered in the name of said Treasurer, officially, and all said securities to be subject to sale and transfer, and to the disposal of the proceeds by said Treasurer, only on the order of a court of competent jurisdiction, and as hereinafter provided.

## CHAPTER CCLXVI.

*An Act to provide for the funding and refunding of the indebtedness of levee and protection districts.*

[Approved April 1, 1897.]

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

Levee or protection districts, funding or refunding indebtedness.

SECTION 1. The board of directors or trustees of any levee or protection district having an outstanding indebtedness of not less than twenty thousand dollars, evidenced by bonds or warrants of such district, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the best interest of such district, to fund and refund the same, or any part thereof,



and issue bonds of such district therefor, in sums of 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:

No. ——. (Name of district), in the County of ———, State of California, for value received, promises to pay ———, or order, at the office of the treasurer of said district, in ———, California, on or before the first day of ———, 19—, the sum of ——— dollars, in 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 ——— of said district in conformity with a resolution of said board, dated the ——— day of ———, eighteen hundred and ———, and under authority conferred upon said board by the provisions of an Act of the Legislature of California, entitled "An Act to provide for the funding and refunding of the indebtedness of levee and protection districts," approved (insert date of approval of the Act).

In testimony whereof, the said district, by its board of ———, has caused this bond to be signed by the chairman of said board, and attested by the Auditor of ——— County, with his seal of office attached, this ——— day of ———, 18—.

—————,  
Chairman of said Board.

Attest: ———, Auditor of ——— County.

And the interest coupons shall be in the following form:

The treasurer of (name of district) will pay to the holder hereof, on the ——— day of ———, 1—, at his office in ———, ——— dollars, gold coin, for interest on bond of said district numbered ———.

SEC. 2. Bonds issued under this Act shall be numbered consecutively, signed by the chairman of the board of directors, or trustees, as the case may be, and delivered to the Auditor of the county in which the levee or protection district is situated, who shall countersign the same and affix thereto his official seal, and shall by him be delivered to the treasurer of the district, who shall deliver to such Auditor his receipt therefor, and said treasurer 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 directors or trustees of such levee or protection district, on the best available terms, for any legal indebtedness of such district, but in neither case for a less sum than the face value of the bonds and all interest accrued thereon 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 to the payment of liabilities existing against the district at the date last above named. When they are exchanged for bonds or warrants or other legal evidences of district indebtedness, the treasurer

Form of  
bond.

Coupons.

Bonds,  
general  
provisions  
relating to.

shall at once cancel such evidences of indebtedness by indorsing thereon the amount for which they were received, the word "canceled" and the date of cancellation. He shall keep a record of all 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 was received therefor, which record shall be open at all times for public inspection. No such bond shall be sold or exchanged for any indebtedness of the district except by the approval of the board of directors or trustees thereof.

Tax levy to pay bonds and interest.

SEC. 3. The board of directors or trustees shall cause to be assessed and levied each year upon the assessable property of the district, 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 proportion 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 the money arising from such levies shall be known as the 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 at all times shall show the exact condition of said bond fund.

Provision for redemption of bonds.

SEC. 4. Whenever there shall be in the bond fund of such district a surplus of five hundred dollars or more, over and above the interest maturing before the next levy, the treasurer shall give notice for two weeks in one or more newspapers of general circulation, printed and published in the county in which such district is situated, stating the amount of such surplus, and that on the day and hour named in such notice, sealed proposals will be received at his office for the surrender of bonds of the district, and shall at the time and place named open the proposals and accept the lowest bid; *provided*, that no bid shall be accepted for an amount exceeding the par value of such bonds with accrued interest; if bids are not offered at par, or less, sufficient to exhaust the amount on hand applicable to redemption, the treasurer shall publish for the same time and in the same manner a notice that he will redeem a bond or bonds of said district, giving the number or numbers thereof, and that if not presented for redemption within thirty days after the date of the first publication of such notice, the interest thereon will cease, and the amount due thereon will be set aside for the payment of such bond or bonds whenever presented. If any such bond be not so presented, interest thereon shall cease, and the amount due thereon shall be set aside as specified in said notice. All redemption of bonds other than those voluntarily surrendered shall be made in the exact order of their issuance, beginning with the lowest or first number.

SEC. 5. This Act shall take effect immediately.

## CHAPTER CCLXVII.

An Act to amend sections three thousand six hundred and fifty-nine, three thousand six hundred and sixty-five, three thousand six hundred and eighty-one, three thousand seven hundred and twenty-eight, three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and forty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-three, three thousand eight hundred and one, three thousand eight hundred and five, three thousand eight hundred and seventeen, three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-five, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and fifty-eight, and three thousand eight hundred and ninety-seven of the Political Code; to add to said Code five new sections, to be numbered sections three thousand seven hundred and thirty-seven, three thousand seven hundred and thirty-nine, three thousand seven hundred and seventy-six, three thousand seven hundred and seventy-seven, and three thousand eight hundred and eighteen, and to repeal sections three thousand four hundred and twenty-eight and four thousand and eighty-three of said Code; all of said sections relating to public lands and revenue and taxation.

[Approved April 1, 1897.]

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

SECTION 1. Section three thousand four hundred and twenty-eight of the Political Code is hereby repealed. Repealed.

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

3659. On or before the first Monday in March in each year, the Surveyor-General of the State and the Tide Land Commissioners must make out and transmit to the Assessor of each county where lands or lots lie that may have been sold by the State, for which certificates of purchase, patents, or deeds have issued, during the year preceding, certified lists of such lands or lots, giving a description thereof by congressional divisions and subdivisions, or lots and blocks, together with the names of the purchasers thereof, and the amount of principal unpaid, if any, on the first Monday in March.

SEC. 3. Section thirty-six hundred and sixty-five of the Political Code is amended to read:

3665. The State Board of Equalization must meet at the state capitol on the third Monday in July, and continue in open session from day to day, Sundays excepted, until the first Monday in August. At such meetings the board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county, but franchises derived

Duty of Surveyor-General in relation to lands sold by State.

State Board of Equalization, meetings and duty of in regard to railway assessments.

from the United States shall not be assessed. Assessments must be made to the corporation, person, or association of persons owning the same. If any portion of any railroad less than the whole is operated by some corporation or association of individuals other than the owner of such railroad, under lease or other contract, and such portion so operated runs in more than one county, the value of such part or portion of such railroad shall be assessed separate and apart from the balance of said railroad, and the board shall assess the roadway, roadbed, and rails of such portion of said railroad, together with the rolling stock used thereon by the corporation or association of individuals operating the same. The depots, stations, shops, and buildings erected upon the space covered by the right of way, and all other property owned by such person, corporation, or association of persons, are assessed by the Assessor of the county wherein they are situate. Within twenty days after the first Monday of August, the board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The board must also, within said time, transmit, by mail, to the County Auditor of each county, or city and county, to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county, or city and county, with a description of the said track within the county, or city and county, including the right of way, by metes and bounds, or other description sufficient for identification, the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within the State, and the amount apportioned to the county, or city and county. The Auditor must enter the statement on the assessment roll or book of the county, or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll, as aforesaid, which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the third Monday in September, the Board of Supervisors must make, and cause to be entered in the proper record book, an order stating and declaring the length of main track of the railway assessed by the State Board of Equalization within the county, the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxation district in the county, or city and county, through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the clerk of the Board of Supervisors must transmit a copy of each

Duty of  
County  
Auditor.

Duty of  
Board of  
Super-  
visors.

order or equalization to the city council, or trustees, or other legislative body of incorporated cities or towns, the trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes, as the property of individuals within such city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a railway assessed by the State Board of Equalization is dissatisfied with the assessment made by the board, such owner may, at the meeting of the board, under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the first Monday in August and the first Monday in September, apply to the board to have the same corrected in any particular, and the board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the State. If the board shall increase or lower any assessment previously made by it, it must make a statement to the County Auditor of the county affected by the change in the assessment of the change made, and the Auditor must note such change upon the assessment book or roll of the county, as directed by the board.

Procedure when railway assessment is not satisfactory.

SEC. 4. Section three thousand six hundred and eighty-one of the Political Code is hereby amended so as to read as follows:

3681. During the session of the board, it may direct the Assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property, when a false or incomplete list has been rendered; and to make and enter new assessments (at the same time canceling previous entries), when any assessment made by him is deemed by the board so incomplete as to render doubtful the collection of the tax; but the clerk must notify all persons interested, by letter deposited in the post office or express, post-paid, and addressed to the person interested, at least five days before action taken, of the day fixed when the matter will be investigated.

Duty of Supervisors when property has escaped taxation, etc.

SEC. 5. Section three thousand seven hundred and twenty-eight of the Political Code is hereby amended so as to read as follows:

3728. The Auditor must, on or before the second Monday in August in each year, prepare from the "assessment book" of such year, as corrected by the Board of Supervisors, duplicate statements, showing in separate columns—

Auditor's statement, what must show.

1. The number of acres of land.
2. The total value of all property.
3. The value of real estate.
4. The value of the improvements thereon.
5. The value of personal property, exclusive of money.
6. The amount of money.
7. The total assessed value of mortgages and trust deeds, with value of mortgages and trust deeds held by the various state institutions separately shown.

8. The assessed value of all property sold to the State for delinquent taxes.

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

Delivery of  
assessment  
book to Tax  
Collector.

3732. On or before the second Monday in October, he must deliver the corrected assessment book to the Tax Collector, with an affidavit attached thereto, and by him subscribed, as follows:

"I, \_\_\_\_\_, Auditor of the county of \_\_\_\_\_, do swear that I received the assessment book of the taxable property from the clerk of the Board of Supervisors, with his affidavit thereto affixed, and that I have corrected it and made it to conform to the requirements of the State Board of Equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage, as required by law."

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

Tax Col-  
lector  
charged  
with taxes  
levied.

3734. On delivering the assessment book to the Tax Collector, the Auditor must charge the Tax Collector with the full amount of the taxes levied, except the taxes due upon railway assessments made by the State Board of Equalization, and forthwith transmit by mail to the Controller of State, in such form as the Controller may prescribe, a statement of the amount so charged. Any Auditor failing to forward such statement to the Controller for ten days after the roll has been delivered to the Tax Collector, forfeits to the State one thousand dollars, to be recovered in an action brought by the Attorney-General, in the name of the Controller.

Statement  
to Con-  
troller.

Penalty.

SEC. 8. A new section is hereby added to the Political Code, numbered three thousand seven hundred and thirty-seven of the Political Code, to read as follows:

Auditor's  
statement,  
must show.

3737. The Auditor must, on or before the meeting of the Board of Supervisors on the third Monday in September, prepare a statement, in duplicate, showing:

First—The indebtedness of the county, funded and floating, the amount of each class, and the rate of interest borne by each class of such indebtedness, or any part thereof.

Second—A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury subject to the payment of such indebtedness.

Third—The rate of taxation for county purposes, as shown by the last tax levy made by the board.

Fourth—The assessed value of all property, in detail, for the year.

Fifth—Such other information as the Board of Supervisors or the Controller of State may require.

To be filed  
with Su-  
pervisors  
and Con-  
troller.

One of the statements mentioned in this section must be filed with the board on the third Monday in September, and the other forwarded immediately, by mail or express, to the Con-

troller of State. The Controller shall include in his biennial report to the Governor a digest and synopsis, in tabular form, of all reports received by him under the provisions of this section. Any Auditor failing to furnish such statement within the time prescribed by law, or to forward to the Controller as herein directed, forfeits to the county one thousand dollars, to be recovered in an action brought by the District Attorney in the name of the county. Penalty.

SEC. 9. A new section is hereby added to the Political Code, numbered three thousand seven hundred and thirty-nine of the Political Code, to read as follows:

3739. On or before the hour of the day fixed by the Tax Collector for the sale of the property delinquent for taxes, the Auditor must furnish such Tax Collector a report, in condensed form, of all property redeemed since the date of the tax sale for the preceding year. The Tax Collector must use such report in the enforcement of sections three thousand seven hundred and seventy-one, three thousand eight hundred and thirteen, and three thousand eight hundred and fourteen. Auditor's report of delinquent property redeemed.

SEC. 10. Section three thousand seven hundred and forty-six of the Political Code is hereby amended so as to read as follows:

3746. Within ten days after the receipt of the assessment book, the Tax Collector must publish a notice specifying: Notice by Tax Collector.

1. That the taxes on all personal property secured by real property, and one half of the taxes on all real property, will be due and payable on the second Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock P. M., and that unless paid prior thereto, fifteen per cent will be added to the amount thereof, and that if said one half be not paid before the last Monday in April next, at six o'clock P. M., an additional five per cent will be added thereto. That the remaining one half of the taxes on all real property will be payable on and after the first Monday in January next, and will be delinquent on the last Monday in April next thereafter, at six o'clock P. M., and that unless paid prior thereto, five per cent will be added to the amount thereof.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made.

SEC. 11. Section three thousand seven hundred and fifty-eight of the Political Code is hereby amended so as to read as follows:

3758. On the second Monday in December of each year, in each of the counties, and cities and counties of this State, the Tax Collector must attend at the office of the Auditor with the assessment book, having all items of taxes collected marked "paid." The Auditor shall thereupon compute and enter against all the items of taxes due and unpaid the penalty for delinquency, foot up the total amount of penalties then due, and must, within ten days thereafter, deliver to said Tax Col- Entry of penalty for delinquency.

lector the assessment book and charge him with the amount of said penalties.

SEC. 12. Section three thousand seven hundred and sixty-three of the Political Code is hereby amended so as to read as follows:

Auditor's  
statement  
to State  
Controller.

3763. Within ten days after the final settlement, the Auditor must transmit, by mail or express, a statement to the Controller of State, in such form as he requires, of each kind of property assessed and delinquent, and the total amount of delinquent taxes. If the Auditor fails to transmit such statement in the time prescribed by law, he shall forfeit to the State one thousand dollars, to be recovered in an action brought by the Attorney-General in the name of the Controller.

Penalty.

SEC. 13. A new section is hereby added to the Political Code, numbered three thousand seven hundred and seventy-six, to read as follows:

Certificate  
of tax sale.

3776. The Tax Collector must make out a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of the sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the State, and giving the amount and year of the assessment, and specifying when the State will be entitled to a deed.

SEC. 14. A new section is hereby added to the Political Code, numbered three thousand seven hundred and seventy-seven, to read as follows:

Record of  
certificates  
of tax sales.

3777. Such certificate must be signed by the Tax Collector, regularly numbered in a book, and the book must be filed in the office of the County Recorder, and when so filed, with the Recorder's filing on each certificate in said book, it must be regarded as recorded in the Recorder's office. The State Controller shall prescribe the form of such certificate of sale and record book. The Recorder must index such certificates of sale in an index book, kept for that purpose, the form of which shall be prescribed by the State Controller. In case of a redemption, or a subsequent sale of any of said property by the State, the Recorder must enter on the margin of the certificate, describing such property in said certificate book of record in his office, the fact of such redemption or sale, giving the date thereof, and by whom redeemed.

SEC. 15. Section three thousand eight hundred and one of the Political Code is hereby amended so as to read as follows:

Printed list  
to Auditor.

3801. It shall be the duty of the Tax Collector, within thirty days after the sale of any land for delinquent taxes, to furnish to the Auditor the complete printed list of all such lands so sold, and thereupon the Auditor shall enter upon the assessment book of the current year, immediately after the description of the property, the fact that said property has been sold for taxes, and the date of such sale.

SEC. 16. Section three thousand eight hundred and five of the Political Code is hereby amended so as to read as follows:



3805. When the Tax Collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due, and make return of the facts, under affidavit, to the Auditor, who shall, when directed to do so by the Board of Supervisors, cancel one of said erroneous or double assessments by an entry on the margin of the assessment book, as also on the delinquent list, should such erroneous or double assessment be carried therein. If the property assessed under such erroneous or double assessment has been sold, and a certificate or deed therefor has been issued, such fact shall be certified to the Controller by the Auditor and Tax Collector, and thereupon the Controller shall issue his certificate, under seal, authorizing the Auditor to cancel such erroneous or double assessment; *provided*, no cancellation of an erroneous or double assessment shall be made in any case until the taxes, penalties, and costs upon one of such assessments shall have been paid. Whenever the possessory interests in lands belonging to the United States, or lands upon which final payment had not yet been made to the United States at the time of such assessment, has been assessed and sold to the State for delinquent state and county taxes, the Board of Supervisors, in the respective counties, shall, upon application of the owner of the lands, his representative, or any party interested therein, direct the County Auditor to cancel the certificate of sale, in which such possessory interest was sold, or any deed which may have been made to the State under such sale. Before an order to cancel the certificate or deed, as provided in this Act, shall be granted, the applicant shall file with the board a certificate from the Register of the United States Land Office, showing that at the date when such taxes so assessed became a lien, final payment for the land had not yet been made to the United States; *provided*, that no order to cancel such sales or deeds, of possessory interest, shall be made where the person, to whom such possessory interests were assessed, afterwards obtained a patent from the United States for such lands. Such certificate of the Register shall be filed with the application, and preserved as a part of the record of the Board of Supervisors.

Cancellation of duplicate or erroneous assessments.

Sec. 17. Section three thousand eight hundred and seventeen of the Political Code is hereby amended so as to read as follows:

3817. In all cases where real estate has been or may hereafter be sold for delinquent taxes to the State, and the State has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the State, and before the State shall have disposed of the same, have the right to redeem such real estate, by paying to the County Treasurer of the county wherein the real estate may be situated, the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also for each year since the sale for which taxes on said land have not been paid, an amount equal to the percentage of taxes

Right of redemption of property sold to State for delinquent taxes.

for that year upon the value of the real estate as assessed for that year; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of July following each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, as hereinafter specified, and penalties as follows, to wit: Ten per cent, if redeemed within six months from the date of sale; twenty per cent, if redeemed within one year therefrom; forty per cent, if redeemed within two years therefrom; sixty per cent, if redeemed within three years therefrom; eighty per cent, if redeemed within four years therefrom; and one hundred per cent, if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sale thereof.

Accruing penalties.

Manner of redemption.

The County Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the County Treasurer, together with the money, and the County Treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the State Controller and one to the County Auditor, taking their receipts therefor. The County Treasurer shall settle for the moneys received as for other state and county moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the Treasurer, Controller, and Auditor, any deed or certificate of sale that may have been made to the State shall become null and void, and all right, title, and interest acquired by the State, under and by virtue of the tax sale, shall cease and determine. The receipts of the County Treasurer, Controller, and County Auditor may be recorded in the Recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale. This Act shall apply to state lands sold by the State when the full amount of the purchase price of one dollar and twenty-five cents per acre has not been paid to the State therefor, except when the deed to the State, provided for in section three thousand seven hundred and eighty-five, has been filed with the Surveyor-General.

SEC. 18. A new section is hereby added to the Political Code, numbered three thousand eight hundred and eighteen, to read as follows:

Partial redemption.

3818. A partial redemption may be made, separately from the whole assessment, of any lot, piece, or parcel of land contained in any assessment, if such lot, piece, or parcel has a separate valuation on the assessment roll, in the manner following: In the estimate provided for in the preceding section,

the Auditor shall estimate the amount of state and county taxes due on such lot, piece, or parcel of land, together with a proper proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, or lesser taxation district; and such redemption shall be made in the manner provided for in the preceding section. The Recorder shall note, on the margin of the record of the certificate of sale, a description of the property thus redeemed, and shall specifically set forth the several amounts of taxes paid upon such redemption.

SEC. 19. Section three thousand eight hundred and twenty of the Political Code is hereby amended so as to read as follows:

3820. The Assessor must collect the taxes on all property when, in his opinion, said taxes are not a lien upon real property sufficient to secure the payment of the taxes. The taxes on all assessments of possession of, claim to, or right to the possession of land, shall be immediately due and payable upon assessment, and shall be collected by the Assessor as provided in this chapter.

Duty of Assessor, when taxes are not a lien on real property.

SEC. 20. Section three thousand eight hundred and twenty-one of the Political Code is hereby amended so as to read as follows:

3821. In the case provided for in the preceding section, at the time of making the assessment, or at any time before the third Monday of July, the Assessor may collect the taxes by seizure and sale of any personal property owned by the person against whom the tax is assessed.

Seizure and sale.

SEC. 21. Section three thousand eight hundred and twenty-five of the Political Code is hereby amended so as to read as follows:

3825. If a sum less than the rate fixed has been collected, the deficiency must be collected by the Tax Collector as other taxes on real and personal property are collected.

Deficiency.

SEC. 22. Section three thousand eight hundred and forty-three of the Political Code is hereby amended so as to read as follows:

3843. The Treasurer must, before the third Monday in February of each year:

Treasurer's duty relative to poll tax receipts.

First—Number and sign the two-dollar blanks, and before the first Monday in July number and sign the three-dollar blanks.

Second—At the time of signing make an entry of the whole number thereof, and of the first and last number placed thereon, in a book kept for that purpose.

Third—Deliver all such blanks to the Auditor, and charge him therewith.

SEC. 23. Section three thousand eight hundred and forty-five of the Political Code is hereby amended so as to read as follows:

3845. He must, at any time after the third Monday in February, and the first Monday in July, upon demand, deliver to the Assessor, in their order, the two- and three-dollar blanks, and charge him therewith.

Same.

SEC. 24. Section three thousand eight hundred and fifty-eight of the Political Code is hereby amended so as to read as follows:

Duties of Assessor and Auditor as to poll tax roll.

3858. On the first Monday in January of each year, the Assessor must deliver to the Auditor the roll so made up, and the Auditor must add to the total poll tax delinquent on such roll thirty-three and one third per centum additional, and without delay deliver such list to the Tax Collector, and charge the Collector therewith.

SEC. 25. Section three thousand eight hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

Controller may order sale of property.

3897. Whenever the State shall become the owner of any property sold for taxes, and the deed to the State has been filed with the Controller, as provided in section three thousand seven hundred and eighty-five, the Controller may thereupon, by a written authorization, direct the Tax Collector of the county, or city and county, to sell the property, or any part thereof as in his judgment he shall deem advisable, in the manner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county, or city and county, or, if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county, or city and county, for the same period. Such notices must state specifically the place of, and the day and hour of sale, and shall contain a description of the property to be sold, and shall also embody a copy of the authorization received from the Controller. At the time set for such sale, the Tax Collector must sell the property described in the Controller's authorization and said notices, at public auction, to the highest bidder for cash, in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property, and all interests, costs, penalties, and expenses up to the date of such sale. The expense of the publication of the notice herein required shall be a charge against the county.

Proceedings necessary.

Repealed.

SEC. 26. Section four thousand and eighty-three of the Political Code is hereby repealed.

SEC. 27. This Act shall take effect immediately.

## CHAPTER CCLXVIII.

*An Act making an appropriation to pay the claim of the Tribune Publishing Co., for advertising the constitutional amendments.*

[Approved April 1, 1897.]

*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 sixty dollars is hereby appropriated to pay the claim of the Tribune Publishing Co., for advertising the constitutional amendments (the same having been approved by the State Board of Examiners), and the State Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Appropriation to pay claim of Tribune Publishing Co.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCLXIX.

*An Act making an appropriation to pay the claim of Modoc County against the State of California.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of two thousand three hundred and sixty-three dollars and forty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Modoc County against the State of California.

Appropriation to pay claim of Modoc County.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of the Treasurer of Modoc County for the sum of two thousand three hundred and sixty-three dollars and forty-eight cents, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

## CHAPTER CCLXX.

*An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under United States laws.*

[Approved April 1, 1897.]

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

Acts  
repealed.

SECTION 1. The following entitled Acts of the Legislature are hereby repealed, to wit:

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

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

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

Sixteenth  
and thirty-  
sixth sec-  
tions  
valuable  
for mineral  
deposits.

SEC. 2. When it shall be shown by affidavits or otherwise, to the satisfaction of the Surveyor-General, that any portion of a sixteenth or thirty-sixth section belonging to the State is valuable for its mineral deposits, the Surveyor-General shall not approve any application to purchase the same, nor shall the Register of the State Land Office issue a certificate of purchase therefor, until the question of the character of the land has been referred, for determination, to a court of competent jurisdiction, in the manner provided by section thirty-four hundred and fourteen of the Political Code, and adjudged not to be valuable as mining land.

SEC. 3. The sixteenth and thirty-sixth sections belonging to the State, in which there may be found valuable mineral deposits, are hereby declared to be free and open to exploration, occupation, and purchase of the United States, under the laws, rules, and regulations passed and prescribed by the United States for the sale of mineral lands.

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

## CHAPTER CCLXXI.

*An Act to provide for the organization and management of county fire insurance companies.*

[Approved April 1, 1897.]

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

SECTION 1. Any number of persons, not less than twenty-five, residing in any county in this State, owning insurable property aggregating not less than fifty thousand dollars in value, which they desire to have insured, may incorporate for the purpose of mutual insurance against loss or damage by fire. County fire insurance companies.

SEC. 2. Such persons shall file with the Insurance Commissioner a declaration of their intention to incorporate for the purposes expressed in section one of this Act, which declaration shall be signed by all of the incorporators, and shall contain a copy of the articles of incorporation proposed to be adopted. The Insurance Commissioner shall examine the proposed articles of incorporation, and if they conform to this Act he shall deliver to such persons a certificate permitting them to incorporate as such insurance company. Such certificate shall be directed to the Clerk of the county in which such corporation is proposed to be organized, and shall contain a copy of the proposed articles of incorporation. Upon filing with the Secretary of State the certified copies of the duly executed articles of incorporation, as required by section two hundred and ninety of the Civil Code of the State of California, and of the certificate above provided for, the Secretary of State shall thereupon issue a certificate of incorporation to such county insurance company, and, upon organizing under such articles of incorporation, such county fire insurance company may carry on a fire insurance business as hereinafter provided. The articles of incorporation and the charter or certificate obtained by any county fire insurance company operating under the provisions of this Act shall be subject to the control and modification by the Legislature of the State of California. The by-laws and all amendments thereto shall be filed with the Insurance Commissioner within sixty (60) days after their adoption. Manner of procedure necessary to incorporation.

SEC. 3. The number of directors shall not be less than (7) seven, nor more than eleven (11), a majority of whom shall constitute a quorum to do business. These directors shall be elected from the members of the association by ballot, and shall hold office for one year, or until their successors are elected and qualified. The annual meeting of the members of the company shall be on the second Monday in January of each year. In the election of the first board of directors each member shall be entitled to one vote. At every subsequent election, every person insured shall be entitled to as many votes as there are directors to be elected, and an equal additional number for every risk or risks he holds in the company, and he Directors.

may cast the same in person or by proxy, distributing them among the directors to be elected, or among a less number of directors, or cumulating them upon one candidate, as he shall see fit.

Organiza-  
tion of  
company;  
officers,  
etc.

SEC. 4. The directors shall elect, from their own number, a president and a vice-president, and shall also elect a treasurer and a secretary, who may or may not be members of the company. All of such officers hold their office for one year from the date of their election, and until their successors are elected and qualified.

Bonds of  
officers.

SEC. 5. The treasurer and secretary shall give bonds to the company for the faithful performance of their duties, in such amounts as shall be prescribed by the board of directors.

Powers  
and duties.

SEC. 6. Such corporation and its directors shall possess the usual powers, and be subject to the usual duties of corporations and directors thereof, and may make such by-laws, not inconsistent with the Constitution and the laws of this State, as may be deemed necessary for the management of its affairs, in accordance with the provisions of this Act. Also, to prescribe the duties of its officers and to fix their compensation, and to alter and amend its by-laws, when necessary.

Qualifica-  
tions of  
members.

SEC. 7. Any person owning property in the county for which any such company is formed may become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto, and no person not residing in the county in which the company is formed shall become a director of such company.

What may  
be insured;  
limita-  
tions, etc.

SEC. 8. Such company may issue policies only on detached dwellings, school-houses, churches, barns (except livery barn and hotel barns), and other farms buildings, and such property as may be contained therein; also, other property on the premises owned by the insured; hay and grain in stack or in the field, and live stock on the premises of the insured, anywhere in the county, for any time not exceeding five years, and not to extend beyond the time limited for the existence of the charter, and for an amount not to exceed four thousand five hundred dollars on any one risk; *provided*, that no company which has been organized more than six months shall write insurance subject to one fire exceeding three per cent of the amount at risk upon the books of such company. All persons so insured shall give their obligation to the company, binding themselves, their heirs and assigns, to pay their pro rata share to the company of the necessary expense and of loss by fire which may be sustained by any member thereof during the time for which their respective policies are written, and they shall also at the time of effecting the insurance pay such a percentage in cash, and such other charges, as may be required by the rules or by-laws of the company.

Pro rata  
share in  
loss and  
expense.

Classifica-  
tion of  
property.

SEC. 9. All such companies must classify the property insured therein at the time of issuing policies thereon under different rates, corresponding as nearly as may be to the greater or less risk from fire loss which may be attached to the several kinds of property insured.



SEC. 10. No such company shall insure any property beyond the limits of the county within which the company is organized, nor shall any company issue policies of insurance on any property within the limits of any city containing over six thousand inhabitants at the time of the organization of such company; *provided*, that no dwelling shall be insured within the corporate limits of any city or town exposed by any other building within one hundred feet, or by any other risk other than a dwelling or private barn, within two hundred feet of the risk assumed; *provided*, that the amount of insurance shall not exceed seventy-five per cent of the value of the property and that no additional insurance shall be allowed.

Limitations upon riskstaken.

SEC. 11. Every member of such company who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary thereof, stating the amount of damages or loss sustained or claimed, and if not more than two hundred dollars, then the president and secretary shall proceed to ascertain the amount of such loss or damage, and adjust the same. If the claim for damage or loss be an amount greater than two hundred dollars, then the president of such company, or in his absence, the vice-president, or in the absence of both, the secretary thereof, shall forthwith convene the board of directors of such company, whose duty it shall be when convened to appoint a committee, of not less than three disinterested members of such company, to ascertain the amount of such damage or loss. If in either case there is a failure of the parties to agree upon the amount of such damage or loss, they shall submit the question of the amount of such loss to arbitration. The president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them. Such arbitrators so appointed shall have full authority to examine witnesses, and to do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of such company, and such award so as aforesaid made shall be final as to the amount of the loss sustained. The pay of the said committee shall be three (\$3.00) dollars per day for each day's services so rendered, and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant, unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Adjustment of losses.

Arbitration.

Compensation of arbitration committee.

SEC. 12. When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all the property to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may be classified.

Assessments for deficiency.

Notification to policy-holders.

SEC. 13. It shall be the duty of the secretary, whenever such an assessment shall have been made, to immediately notify every person holding a risk in such company, personally, by an agent, or by letter directed to his usual post office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is to be made; but such time shall not be less than thirty days, nor more than ninety days, from the date of such notice.

Action for neglect or refusal to pay.

SEC. 14. An action may be brought against any member of such company who shall neglect or refuse to pay any assessment made upon him by the provisions of this Act, or other liabilities due the company, and the directors of any company so formed who shall willfully refuse or neglect to perform the duties imposed upon them by law or by the by-laws of the company shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought and maintained against any such company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined, and is due by the terms of the policy.

Annual statement.

SEC. 15. It shall be the duty of the secretary to prepare an annual statement, showing the condition of such company on the thirty-first day of December, and present the same at the annual meeting.

Withdrawals.

SEC. 16. Any member of such company may withdraw therefrom by surrendering his policy for cancellation at any time while the organization continues the business for which it was organized, by giving notice in writing to the secretary thereof, and paying his share of all claims that may exist against such company; *provided*, that the company shall have power to cancel or terminate any policy by giving the insured five days' written notice to that effect, and returning to him any excess of premium he may have paid during the term of the policy, over the cost of his insurance, as measured by the rates of standard fire insurance companies doing business in this State.

Annual report to Insurance Commissioner.

SEC. 17. It shall be the duty of the president and secretary, within thirty days after the first day of January in each year, to prepare, under their own oath, and transmit to the Insurance Commissioner, a statement of the condition of the company on the last day of the month next preceding the annual meeting. If, upon examination, the Insurance Commissioner finds that such company is doing business correctly, in accordance with the provisions of this Act, he shall thereupon furnish the company his certificate, which shall be deemed authority to continue business during the ensuing year, subject, however, to the provisions of this Act. For such examination and certificate the company shall pay one dollar. Each company shall pay, at the time of organization, five dollars to the Insurance Commissioner, for all services which he shall render in the matter of organization.

Fees to Insurance Commissioner.

SEC. 18. Any such company may be proceeded against and dissolved in the manner and upon the same conditions as pro-

vided in case of other insurance companies incorporated in this State.

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

## CHAPTER CCLXXII.

*An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.*

[Approved April 1, 1897.]

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

SECTION 1. A department of and for the State of California, to be known as the Department of Highways, is hereby created, to consist of three chief executive officers, who shall be known as Highway Commissioners. Said department, its officers and employes, shall have and exercise the powers and duties hereinafter specified, and such as are or may be otherwise provided by law. Department of Highways.

SEC. 2. Immediately upon the taking effect of this Act, the Governor, by and with the consent and advice of the Senate, shall appoint three persons as Highway Commissioners. The persons so appointed shall be selected with particular reference to their qualifications for, and practical knowledge of, highway location, construction, and maintenance. The Highway Commissioners shall devote their entire time to the service of the State, and shall not actively engage in any other pursuit while serving as Highway Commissioners. The commissioners shall personally perform all the engineering work of the department; *provided*, that the department may be allowed assistance on the engineering work thereof on receiving the unanimous approval of the State Board of Examiners. Governor to appoint.  
Qualifications.

SEC. 3. Each of the Highway Commissioners shall hold office for the term of two years from and after the date of his qualification, as hereinafter provided for. At the expiration of said last-named term two of said three offices shall thereupon cease and determine, and the powers and duties herein specified shall devolve upon one Highway Commissioner. At least thirty days prior to the expiration of the terms of the Highway Commissioners provided for above in this section the Governor, by and with the advice and consent of the Senate, unless it be otherwise provided by law, shall appoint, for a term of four years, and every four years thereafter, one civil engineer as Highway Commissioner, who shall have the qualifications specified in section two of this Act, and upon him shall devolve Term of office.  
Highway Commissioner.  
Qualifications of commissioner.

- all of the duties and powers which shall be conferred upon the commissioners first appointed under the provisions of this Act, and who shall receive like compensation. Whenever a vacancy occurs in the office of Highway Commissioner, it shall be the duty of the Governor to fill such vacancy for the unexpired term, which appointment shall be confirmed by the Senate at its next session.
- Vacancy.**
- Bond.** SEC. 4. Within twenty days after receiving notice of appointment, the person or persons so appointed shall file a bond in the sum of ten thousand dollars (\$10,000), with at least two sufficient sureties thereon, for the faithful performance of his duties, which bond must be approved by the Governor, and filed with the Secretary of State, and qualify by taking the oath of office as prescribed for state officers.
- Organization.** SEC. 5. The three chief executive officers hereinbefore provided for shall immediately, upon qualifying, organize by electing one of their number as president, and shall adopt a seal for the authentication of its acts, records, and proceedings.
- Secretary and stenographer.** SEC. 6. The Department of Highways shall have power to appoint a secretary, and a stenographer, who shall hold office at the pleasure of the department. Such employes shall not be eligible for such appointment unless they possess special qualifications for, and are competent to perform, the duties devolving on them; and they shall devote their entire time to the service of the department.
- Office.** SEC. 7. The office of the Department of Highways shall be in the state capitol building; and the Secretary of State shall assign to the department, for its use, such rooms as may be necessary for its accommodation. All of the regular meetings of the department shall be held at such office. The department may, however, hold such special meetings at such places as the duties of the department, or the best interests of the State, may require.
- SEC. 8. The Department of Highways shall take possession, in the name of the State, as rapidly as the funds provided therefor will permit, of all roads which have been or may be declared state highways.
- Expenditures.** SEC. 9. The Department of Highways shall have charge of all expenditures made by the State for highway purposes, except as otherwise provided by law; and all moneys appropriated for such purpose shall be made payable upon proper order of said department. All claims and accounts which may be incurred by the Department of Highways shall, however, before payment, be audited by the Board of Examiners.
- Duties, etc.** SEC. 10. The Department of Highways shall make examination into existing highway conditions in the State of California, and shall, furthermore, make such investigations within the State, as will put at the service of the State the most approved methods of highway improvement. It shall supply, on request, without charge, any information relative to highways required by any county or district official having care of and authority over highways within this State. It shall collect and collate data relating to the geological formation of the

State in so far as it relates to material suitable for highway construction, and make analyses and tests of such material as it may deem suitable for highway uses, with the view of determining the value of the same for such purposes. All data so collected, together with such other matters of value or interest to the people of the State, shall be published in bulletins, or upon maps or diagrams, or in other proper form, or in the biennial report of the department, as it in its discretion shall determine. The department shall prepare and adopt styles and forms of books for use by officials, in which to keep account of the expenditure of highway money and all other records or proceedings relating to highways. It shall prepare such forms as may be necessary for use in connection with opening, abandoning, altering, locating, constructing, maintaining, obtaining title to, or otherwise relating to proposed state highways; and such books and forms, when so adopted, shall be the standard for use in the State. Copies of them shall be forwarded to the various officials who are charged with keeping or using the same, and such officials shall immediately prepare books and forms after the style shown by such standard; and shall thereafter use them exclusively for the purposes for which they are intended. It shall be the duty of the department to adopt such general forms for the surveying of state highways, mapping, and keeping of the notes thereof, and the permanent marking of the same on the ground, as it shall deem necessary, and shall issue instructions defining such general forms and markings to the person having charge of the making of such surveys; and it shall thereafter be the duty of such persons to follow the methods prescribed in such instructions. The Department of Highways, in performance of its duties, shall have the power to call upon any state, county, or district official to furnish it with any information contained in his office which relates to or is in any way necessary to the proper performance of the work of said department; and it is hereby made the duty of such officials to furnish such information without cost. The Attorney-General of the State shall be the legal adviser of the Department of Highways, and said Department of Highways shall call upon the Attorney-General of the State for all such legal advice and services as the discharge of its duties may require.

SEC. 11. The department shall prepare biennial reports, which shall be submitted to the Governor at least thirty days before each session of the Legislature. Said report shall embrace the work and investigations of the department for the previous two years, together with such recommendations for changes in the law which it may deem advisable, and which the proper and economical maintenance of the highways may demand.

SEC. 12. It shall be the duty of the State Controller, upon the demand of the Department of Highways, to transfer to it, for its use, all of the property, books, reports, and papers of every description which shall be transferred to him under the provisions of an Act entitled "An Act to create a Bureau of

Duties, etc.

Report.

Duty of Controller.

Highways, and prescribe its duties and powers, and make an appropriation for its expenses," approved March twenty-seventh, eighteen hundred and ninety-five.

Duty of  
State  
Printer.

SEC. 13. It shall be the duty of the State Printer to print such reports, bulletins, or other matter, and furnish any necessary illustrations or diagrams therefor as the Department of Highways may deem necessary; all of which shall first be subject to the approval of the State Board of Examiners.

Authority  
to employ  
specialists.

SEC. 14. The Department of Highways shall have the power and authority to employ, when in its judgment it is deemed necessary, such assistance of a special character as may be necessary and proper, for the discharge of its duties. The department shall also have the power to purchase such supplies, fixtures, and conveniences, as may be necessary in the performance of its work. The Commissioners of the Department of Highways, or any employé thereof, shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the State. All of the expenses mentioned in this section, except as otherwise herein provided, shall be paid from the appropriation for the contingent expenses of the Department of Highways. The employment and compensation of assistants under the provisions of this section must receive the approval of the State Board of Examiners. The expense incurred in locating and definitely surveying state highways in a county shall be paid from the funds apportioned thereto for state highway purposes.

Traveling  
expenses.

Salaries.

SEC. 15. The Commissioners of Highways shall each receive the sum of three thousand dollars (\$3,000) per annum; the secretary the sum of fifteen hundred dollars (\$1,500) per annum; and the stenographer the sum of twelve hundred dollars (\$1,200) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers.

Appropriation.

SEC. 16. For the purposes of carrying out the provisions of this Act, the sum of three thousand dollars (\$3,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the salaries of the officers and employés and the other expenses of said department for the remainder of the forty-eighth fiscal year.

SEC. 17. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

## CHAPTER CCLXXIII.

*An Act to provide for the deficiency in the appropriation for support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses residing at Evergreen, in the County of Santa Clara, at the home in said county, and under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the deficiency for the maintenance and support of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses residing at the home in Santa Clara County, at Evergreen, under the auspices of the Woman's Relief Corps Home Association, for the forty-eighth fiscal year.

Deficiency appropriation for Evergreen Home.

SEC. 2. This Act shall take effect immediately.

## CHAPTER CCLXXIV.

*An Act to assist the Woman's Relief Corps Home Association to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor.*

[Approved April 1, 1897.]

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

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars (\$10,000) for the support and maintenance of the ex-army nurses and the widows, wives, mothers, and dependent destitute maiden daughters or sisters of Union veterans who served honorably in the civil war, residing in the home at Evergreen, Santa Clara County, under the auspices of the Woman's Relief Corps Home Association, a corporation duly created and existing under the laws of the State, in the manner following, to wit: The sum of one hundred and fifty dollars (\$150) per annum for each ex-army nurse, widow, wife, mother, or maiden daughter or sister, duly admitted and residing in such home; *provided*, the whole of said

Appropriation for support of home at Evergreen, Santa Clara County.

sum shall not be expended in any one year for such support and maintenance.

Aid commences.

SEC. 2. The aid granted in section one of this Act shall commence on the first day of the month after each such ex-army nurse, widow, wife, mother, or maiden daughter or sister shall commence to reside in and be supported in such home, and shall be paid by the State in semi-annual installments.

Management of home.

SEC. 3. The Woman's Relief Corps Home at Evergreen, Santa Clara County, shall be managed and controlled by a board of eleven directors, to be appointed by the Governor, six of whom shall be appointed for two years and five of whom shall be appointed for one year; *provided*, that the terms of the six first appointed for two years shall continue until July first, eighteen hundred and ninety-nine, and the five appointed for one year shall continue until July first, eighteen hundred and ninety-eight, and thereafter the terms of office shall be for two years of all directors. Immediately after they qualify, the members of the first board shall meet and organize by electing one of its members president, one as vice-president, one as secretary, and one as treasurer, who shall hold office for one year. No officer or member of the board of directors shall receive any compensation for services as such.

Organization.

Vacancies, etc.

SEC. 4. As the terms of office of directors shall expire, or in case of vacancy, the Governor shall appoint their successors. The Governor shall have power to remove any director for cause.

Oath of office.

SEC. 5. Each member of the board of directors shall take and file with the Secretary of State the oath of office as provided by law.

Title of board of directors.

SEC. 6. First—The board of directors shall be known by the name and style of "The Board of Directors of the Woman's Relief Corps Home Association of California," and by this name may sue and be sued in any of the courts of this State, and all property held by such board shall be in trust for the Woman's Relief Corps Home Association of California, and for the use and benefit of said home. The said board shall have power to manage said home and administer its affairs, make laws for the government of the board not in conflict with the general laws of the State, and adopt rules and regulations for the management of the home. The board shall hold at least one meeting each month for the auditing of bills and the transaction of business pertaining to the home. A majority of the members shall constitute a quorum for the transaction of business.

Powers.

General register; contains, what.

Second—The board shall cause to be kept a book or "general register," in which shall be entered the date of admission, name, age, and place of birth of each inmate, and also the military or naval history, if it can be obtained, of the husband, father, or brother of such widow, wife, mother, maiden daughter or sister, or of the ex-army nurse who is or may hereafter be admitted to such home, and the estate or income, if any, to which she may be entitled.



Third—The board shall cause to be kept a full record of its meetings, also a book entitled “monthly accounts,” in which shall be entered all moneys received from any and all sources, segregated under proper heads; also, all disbursements made, specifying for what purpose made, the amounts so disbursed entered in detail, segregated under proper heads, and each entry to be made under proper dates.

Record and accounts.

Fourth—A payroll shall be kept of the employés, and the amount disbursed to each, at what rate of wages and for the length and kind of services.

Payroll.

Fifth—A transcript of such books and payroll, verified by the oath of the president or secretary of said home, shall be made and forwarded to the State Board of Examiners at the time of making demand or presenting claims for state aid covering the time for which such claim or demand for state aid is made.

Transcript of books, etc., to be forwarded to State Board of Examiners.

SEC. 7. Every claim for aid under this Act shall be presented to and audited and allowed by the State Board of Examiners, and when allowed, in whole or in part, by said Board of Examiners, it shall be the duty of the Controller to draw his warrant for the amount thereof in favor of the president and treasurer of the board of directors of said Home Association, and it shall be the duty of the State Treasurer to pay the same on due presentation.

Board of Examiners to audit claims.

SEC. 8. No inmate for whose support there is paid, independent of state aid, the sum of twelve dollars and fifty cents or more per month, shall be entitled to any aid under this Act. But if such sum be less than twelve dollars and fifty cents per month, aid shall be granted for such sum only as is necessary to make the full amount for support, including the state aid, twelve dollars and fifty cents per month.

When aid to be granted.

SEC. 9. The board shall cause to be made a verified report on the fifteenth day of August of each year to the Governor, containing a statement of all receipts and expenses, the condition of the home, the number of inmates during the year ending with June thirtieth, and such other matters as may be required by him. All reports shall be verified by the oath of the president and secretary of the board.

Annual report.

SEC. 10. All moneys received by the directors or any officer of the home (except such as may be paid to them by the State for disbursement), including pension moneys belonging to the pensioners in the home, shall be paid over to the treasurer of the board, such moneys to be used for the support and maintenance of the home.

Home treasurer to receive all moneys.

SEC. 11. No person shall be entitled to receive any aid under this Act unless she has been admitted to and kept in said home by reason of her services as army nurse, or by reason of the military or naval service of her husband, father, brother, or son; nor unless she has been continuously a resident of this State for one year next prior to her admission to said home.

Qualifications for admission.

SEC. 12. This Act shall take effect immediately.

## CHAPTER CCLXXV.

*An Act to amend section thirty-four hundred and ninety-five of the Political Code, by adding a provision relative to adverse occupation.*

[Approved April 1, 1897.]

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

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

Affidavit on application to purchase school lands.

3495. Any person desiring to purchase any portion not less than the smallest legal subdivision of any of the lands mentioned in section thirty-four hundred and ninety-four, situated in any township which has been surveyed by the United States, must make an affidavit that he is a citizen of the United States, or has filed his intention to become such, a resident of this State of lawful age, that he desires to purchase such lands (describing the same by legal subdivisions) under the provisions of this title; that there is no occupation of such lands adverse to any that he has, or if there is an adverse occupation the affidavit must show that the township has been sectionized three months, and that the adverse occupant (giving his name) has been in such occupation more than sixty days since the plat was filed in the United States Land Office; that he desires to purchase the same for his own use and benefit, and for the use or benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same. The affidavit must also state whether the land is or is not suitable for cultivation, and if it is, that the applicant is an actual settler thereon, and that he has not entered any portion of any lands mentioned in section thirty-four hundred and ninety-four, which, together with that now sought to be purchased, exceeds three hundred and twenty acres; but if the land is not suitable for cultivation the affidavit must further state that the applicant has not entered any portion of such lands, which, together with that now sought to be entered, exceeds six hundred and forty acres. Lands unsuitable for cultivation may be sold in quantities not exceeding six hundred and forty acres to any one person, under the restriction other than as to actual settlement prescribed for the sale of cultivable lands. The Surveyor-General and Register of the Land Office must make and enforce all necessary rules and regulations to prevent the sale of school lands suitable for cultivation to any person not an actual settler thereon; *provided*, that any smallest legal subdivision of school lands shall be deemed suitable for cultivation if any part not less than one half of its area will, without artificial irrigation, but with or without the clearing of timber or other growth therefrom, by the ordinary processes of tillage, produce ordinary agricultural crops in average quantity; *and provided*, that any contest of the applicant's right to purchase, arising from the character of the land as cultivable or otherwise, may be referred

Duty of Surveyor-General.

What land shall be deemed suitable for cultivation.

Contest of right to purchase.

to the Superior Court of the proper county, as in other cases, for determination; *and provided further*, that no contest of the applicant's right to purchase, arising from adverse occupation, shall be maintained, except by a prior adverse occupant, who shall have filed an application to purchase the land under the provisions of this section, and no occupation of land by a person other than the applicant shall be an adverse occupation within the meaning of this section, unless such occupation is by a person who is entitled to purchase the same under the provisions hereof, and who files his application therefor within the time prescribed by section thirty-four hundred and ninety-seven of this Code.

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

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CHAPTER CCLXXVI.

*An Act providing an appropriation for the improvement of and repairs to Sutter's Fort and grounds.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of four thousand (4,000) dollars is hereby appropriated out of the general fund of the state treasury for the purpose of improving the grounds about Sutter's Fort, for repairs to the fort buildings, and for sidewalks and street improvements about the Sutter's Fort property.

Appropriation for improvement of Sutter's Fort.

SEC. 2. The State Controller is hereby authorized to draw his warrant in favor of the Board of Sutter's Fort Trustees for the amount herein made payable, and the State Treasurer is hereby directed to pay the same.

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

## CHAPTER CCLXXVII.

*An Act to establish a uniform system of county and township governments.*

[Approved April 1, 1897.]

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

- COUNTIES ARE BODIES CORPORATE.** SECTION 1. The several counties of this State, as they now exist, and such other counties as may be hereafter organized, according to law, are bodies corporate and politic, and as such have the powers specified in this Act, and such other powers as are necessarily implied.
- POWERS EXERCISED.** SEC. 2. Their powers can only be exercised by the Board of Supervisors, or by agents and officers acting under their authority, or authority of law.
- CORPORATE NAME.** SEC. 3. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties.
- POWERS.** SEC. 4. It has power:
1. To sue and be sued.
  2. To purchase and hold land within its limits.
  3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.
  4. To manage and dispose of its property as the interests of its inhabitants may require.
  5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.
- SHALL NOT LOAN CREDIT.** SEC. 5. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void.
- VIOLATIONS VOID.** SEC. 6. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this Act, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county. And all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same.
- OFFICERS LIABLE ON BOND.** SEC. 7. Any officer authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this Act, or of the Constitution of this State, shall be liable in person, and upon his official bond, to the person or persons damaged by such illegal authorization, to the extent of his or their loss by reason of the non-payment of his or their claims.
- DUTY OF DISTRICT ATTORNEY IN VIOLATIONS.** SEC. 8. Whenever any Board of Supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any county officer has drawn any warrant

or warrants in his own favor, or in favor of any other person, without being authorized by the Board of Supervisors, or by the law, and the same shall have been paid, the District Attorney of such county is hereby empowered, and it is hereby made his imperative duty, to institute suit, in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the Board of Supervisors therefor shall be necessary to maintain such suit. When the money has not been paid on such order or warrants, it is hereby made the imperative duty of the District Attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, to restrain the payment of the same; and no order of the Board of Supervisors shall be necessary in order to maintain such suit.

To restrain  
payments.

SEC. 9. It shall be the duty of the Judge of the Superior Court of each and every county, whenever a grand jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to note the result of such investigation in their report.

Duty of  
grand jury.

SEC. 10. The population of the several counties of this State is hereby ascertained and determined to be and is as follows: County of San Francisco, two hundred and ninety-eight thousand two hundred and fifteen; County of Los Angeles, one hundred and twenty-four thousand eight hundred and seventy-five; County of Alameda, one hundred thousand four hundred and fifteen; County of Santa Clara, fifty-eight thousand two hundred and ninety; County of Sacramento, forty-seven thousand eight hundred and twenty; County of Sonoma, thirty-seven thousand three hundred and forty-five; County of San Joaquin, thirty-six thousand six hundred and seventy; County of San Diego, thirty-five thousand six hundred and twenty; County of Fresno, thirty-five thousand and eighty; County of San Bernardino, twenty-seven thousand five hundred; County of Humboldt, twenty-seven thousand two hundred and fifty-five; County of Solano, twenty-six thousand one hundred and thirty; County of Tulare, twenty-four thousand one hundred and fifty; County of Butte, twenty-two thousand seven hundred and seventy; County of Santa Cruz, twenty-two thousand and fifty-five; County of Nevada, twenty-one thousand nine hundred and five; County of Mendocino, twenty-one thousand and ninety-five; County of Monterey, twenty thousand six hundred; County of San Luis Obispo, twenty thousand one hundred and forty; County of Placer, eighteen thousand nine hundred and eighty-five; County of Riverside, eighteen thousand four hundred; County of Santa Barbara, eighteen thousand three hundred and ten; County of Napa, eighteen thousand two hundred and twenty; County of Yolo, seventeen thousand three hundred and seventy-five; County of Kern, seventeen thousand three hundred and thirty; County of Contra Costa, seventeen thousand two hundred; County of Orange, sixteen thousand five

Population  
of counties.

Population  
of counties,  
continued.

hundred and forty; County of Siskiyou, sixteen thousand one hundred and ninety; County of Shasta, sixteen thousand one hundred and forty-five; County of Ventura, fourteen thousand four hundred and ten; County of Calaveras, fourteen thousand one hundred and seventy-five; County of Amador, thirteen thousand two hundred and fifty; County of El Dorado, thirteen thousand and forty; County of Stanislaus, twelve thousand seven hundred and forty-five; County of San Mateo, twelve thousand four hundred and fifty; County of Tehama, eleven thousand six hundred and seventy-five; County of Yuba, eleven thousand six hundred and thirty-five; County of Marin, eleven thousand three hundred and sixty; County of Colusa, ten thousand five hundred and ten; County of Tuolumne, ten thousand two hundred and thirty-five; County of Merced, nine thousand eight hundred and fifteen; County of San Benito, nine thousand and ninety; County of Kings, eight thousand nine hundred and thirty-five; County of Sutter, eight thousand five hundred and sixty-five; County of Madera, seven thousand nine hundred and seventy-five; County of Lake, seven thousand six hundred; County of Glenn, seven thousand four hundred and forty-five; County of Sierra, six thousand five hundred and forty; County of Plumas, five thousand nine hundred and seventy; County of Mariposa, five thousand seven hundred and twenty; County of Modoc, five thousand five hundred and sixty-five; County of Lassen, five thousand three hundred and thirty; County of Trinity, four thousand nine hundred and ninety; County of Inyo, four thousand three hundred and sixty; County of Del Norte, three thousand four hundred and sixty-five; County of Mono, two thousand seven hundred and seventy-five; County of Alpine, four hundred and ninety.

County  
seats.

SEC. 11. The county seats of the respective counties of this State, as now fixed by law, are hereby recognized as and declared to be the county seats of the respective counties. 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.

Removal of  
county  
seats.

SEC. 12. Whenever there shall be presented to the Board of Supervisors of any county a petition, signed by the qualified electors of such county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the Board of Supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conduct of general elections and canvassing the returns thereof.

Ordinances to  
be submitted to  
vote of the  
people.

SEC. 13. Whenever there shall be presented to the Board of Supervisors a petition, or petitions, signed by legal voters of said county equal in number to fifty per cent of the votes cast at the last preceding general election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the

qualified voters of such county, it shall be the duty of the Board of Supervisors, by proclamation, to submit such proposed ordinance to the vote of the qualified electors of such county. Such election shall be held within thirty days after the first regular meeting of the board after the filing of such petition; *provided*, that should said petition be filed within six months prior to a general election, no special election need be held, but such ordinance shall be submitted at the next general election. The ballots used at such special or general election shall contain the words "For the ordinance" (stating the nature of the ordinance), and "Against the ordinance," stating the nature of the ordinance. The election shall be conducted and the returns canvassed in all respects as provided by law, for the conducting of general elections and the canvassing the returns thereof; *provided*, that when a special election is held under the provisions of this section, the Board of Supervisors, in their discretion, may consolidate precincts, and may reduce the number of election officers to a number not less than four. If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Supervisors shall proclaim such fact, and upon the publication of such proclamation, such ordinance thus adopted shall have the same and equal force and effect as though adopted and ordained by the Board of Supervisors. The Board of Supervisors may also, at any election, submit any question or proposition upon which they may desire the opinion of the voters of the county.

Super-  
visors may  
submit  
questions  
to vote.

## BOARD OF SUPERVISORS.

SEC. 14. Each county must have a Board of Supervisors, consisting of five members.

Super-  
visors.

SEC. 15. Each member of the Board of Supervisors must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by such district, and not at large; *provided*, that in any county or city and county in which supervisorial districts have not been established by law or ordinance, and in which Supervisors are now required to be elected at large, but from particular wards, the members of the Board of Supervisors shall be elected at large and without regard to residence.

Qualifica-  
tions of Su-  
pervisors.

SEC. 16. The Board of Supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the supervisor districts of a county. Said districts shall be as nearly equal in population as may be. The boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any Supervisor who has been elected, and whose term of office has not expired. No change in the boundaries of any supervisor district shall be made within ninety days next preceding a general election.

May  
change  
boundaries  
of super-  
visor dis-  
tricts.

SEC. 17. Whenever a vacancy occurs in the Board of Supervisors of a county, the Governor shall fill the vacancy, and the appointee shall hold office until the election and qualification

Vacancies.

of his successor. In such case the election of a Supervisor shall be held at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

- Chairman.** Sec. 18. The Supervisors shall elect a chairman, who shall preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all the members concur therein.
- Quorum.**
- Clerk.** Sec. 19. The County Clerk is ex officio clerk of the Board of Supervisors. The records and minutes of the board must be signed by the chairman and the clerk.

#### CLERK OF BOARD.

Duties of  
clerk of  
Board of  
Super-  
visors.

Sec. 20. The clerk of the board must :

1. Record all the proceedings of the board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.
3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.
4. Immediately after the adjournment of each meeting of the board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands, or orders, shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave the same with the Auditor.
5. File and preserve the reports of the County Treasurer of the receipts and disbursements of the county.
6. Preserve and file a memorandum of all accounts acted upon by the board.
7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.
8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.
9. Authenticate with his signature and the seal of the board all ordinances passed by the board, and to record the same at length in the "Ordinance Book."
10. Record all orders levying taxes; and,
11. Perform all other duties required by law, or any rule or order of the board.

Books to  
be kept.  
Minute  
book.

Sec. 21. The board must cause to be kept:

1. A "Minute Book," in which shall be entered the daily proceedings had at all regular and special meetings, and all



orders and decisions made by them, except such as are required to be recorded in the "Road," "Franchise," or "Ordinance" books.

2. An "Allowance Book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year. Allowance book.

3. A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts. Road book.

4. A "Franchise Book," containing all franchises granted by them, and all proceedings had in relation thereto. Franchise book.

5. A "Warrant Book," to be kept by the County Auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee. Warrant book.

6. An "Ordinance Book," in which must be entered all ordinances duly passed by the board. Ordinance book.

SEC. 22. The Board of Supervisors must, by ordinance, provide for the holding of regular meetings of the board at the county seat. Regular meetings.

SEC. 23. A special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes. Five days' notice of such meeting must be given by the clerk, personally or by mail, to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other shall be transacted. Special meetings.

SEC. 24. All meetings of the board must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection. Meetings must be public.

GENERAL PERMANENT POWERS OF BOARD.

SEC. 25. The Boards of Supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law: Powers of board.

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; to 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, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires. County subdivisions.

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 Establish or abolish election precincts.

Powers of Board of Supervisors, continued.

Roads, bridges, shipping facilities, etc.

or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the Board of Supervisors being advised by the County Surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said Surveyor; *provided further*, that the Surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

Maintain hospitals, etc.

5. To construct or lease, officer and maintain, hospitals and poorhouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The Board of Supervisors shall appoint some suitable person to take care of and maintain such hospitals and poorhouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and poorhouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

Provide county farm.

6. To provide a farm, in connection with the county hos-

pital, or poorhouse, and make regulations for working the same.

7. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall 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, has been 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 has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

Powers of Board of Supervisors, continued.

Purchase or lease water rights.

8. To cause to be erected, or rebuilt, or furnished, a court-house, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications 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 by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

Erect public buildings.

9. To sell at public auction, at the court-house door, or at such other place within the county as the board may, by a four-fifths vote, order, after thirty days' 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 not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority of the board.

Sell county property.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

Audit claims.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the County Treasurer therefor.

Powers of  
Board of  
Super-  
visors,  
continued.  
Levy taxes.

12. 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.

Take  
census.

12½. Whenever there shall be presented to the Board of Supervisors of any county a petition signed by the qualified electors of any township or townships in number equal to a majority of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the Board of Supervisors shall order such census to be taken by one or more suitable persons appointed therefor by the Board of Supervisors, and such census shall be taken by such persons so appointed of all the inhabitants of such township or townships; the full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the County Clerk of the county wherein such census is taken, and thereupon the same shall be known and shall be the official census of said township or townships. The expenses of taking such census shall be a county charge.

County  
bonds, how  
issued.

13. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purposes for which the Board of Supervisors are herein authorized to expend the funds of said county. Such indebtedness shall be refunded or incurred in the following manner, to wit: The Board of Supervisors thereof shall by order specify the purpose for which the indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import. None but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election law of the State. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the name of election

officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of such election officers so absent. If two thirds of the electors of the county voting at such election shall vote in favor of issuing such bonds, the board must proceed to issue the amount of bonds specified; *provided*, that the total amount of bonded indebtedness shall at no time exceed five per cent of the taxable property of the county, as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January first, eighteen hundred and eighty. The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date, at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county, or at such place as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per cent per annum, payable annually or semi-annually, as said board may designate. Said bonds shall be signed by the chairman of the Board of Supervisors, and attested by the Auditor of said county, and have the seal of the Board of Supervisors attached, and said coupons shall be signed by said Auditor by original or lithographed fac simile signature; and said bonds shall be sold in the manner prescribed by said Board of Supervisors, but for not less than par. The Board of Supervisors, before or at the time of incurring the indebtedness of any bonds issued under the provisions of this Act, and annually thereafter until all of said bonds are paid and canceled, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest on said bonds for that year, and such portion of the principal, if any, as is to become due during such year, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the Board of Supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax suffi-

Powers of Board of Supervisors, continued.

County bonds, how issued.

To provide for payment of bonds and interest.

Powers of Board of Supervisors, continued.

cient to effect the objects of this provision, and to provide for the payment of the interest on said bonds as it becomes due, and also sufficient to constitute a sinking fund to pay the principal of such indebtedness at or before maturity. Such tax, when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

Revenue from bonds.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds. The Board of Supervisors of any county can contract a bonded indebtedness for county purposes only as herein provided.

In issuing bonds under this Act, the Board of Supervisors may, at its option, use the following form of bond and coupon:

UNITED STATES OF AMERICA,

No. ———. County of ———, \$———. State of California.

Form of bonds.

The County of ———, State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the first day of ———, one thousand ——— (herein insert, if the Board of Supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date, at the pleasure of the county"), with interest thereon, in like gold coin, at the rate of ——— per centum per annum, payable at ——— semi-annually (or annually) on the first day of ——— and ——— (or on the first day of ———, if interest payable annually), on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the Board of Supervisors of the County of ———, State of California, in strict compliance with an Act of the Legislature entitled "An Act to establish a uniform system of county and township governments," approved the ——— day of ———, 189—, and in pursuance of an order of said board duly made on the ——— day of ———, 18—, and with the assent of two thirds of the qualified electors of said county, voting at an election legally called and duly held for that purpose on the ——— day of ———, 18—.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof, the said county, by its Board of Supervisors, has caused this bond to be signed by the chairman of

said board, and attested by the Auditor thereof, and the seal of the Board of Supervisors hereto attached, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_.

Powers of Board of Supervisors, continued.

\_\_\_\_\_,  
Chairman Board of Supervisors.

Attest: \_\_\_\_\_, County Auditor.

And the interest coupon may be in the following form:

"The County of \_\_\_\_\_, State of California, hereby promises to pay the holder hereof, on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_, \$\_\_\_\_\_, United States gold coin, for interest on its County Bond No. \_\_\_\_\_.

Form of interest coupons.

\_\_\_\_\_,  
County Auditor."

If the Board of Supervisors of any 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 prior to the 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.

Failure to provide for payment of bonds.

14. 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.

Maintain public pounds.

15. To equalize assessments.

Equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the District Attorney in conducting the same.

Direct and control suits.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

Insure buildings.

18. To establish a salary fund, and 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 funds.

19. To fill, by appointment, all vacancies that may occur in

Fill vacancies.

Powers of Board of Supervisors, continued. 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 or until the next general election.

Appoint a health officer. 20. They may appoint in each county, a health officer, whose duty it shall be to enforce all orders and ordinances of the Board of Supervisors, pertaining to sanitary matters, and all orders, quarantine regulations, and rules prescribed by the State Board of Health, and all statutes relating to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county. He shall be a graduate of a medical college of good standing and repute, and shall hold office for a term of one year, and receive for his services a compensation not to exceed six hundred dollars per annum.

Preserve public health. The Board of Supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

Appoint a special health officer. For any unincorporated town, when public necessity requires such action, the Board of Supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the Board of Supervisors, or the State Board of Health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the Board of Supervisors, and he shall receive as his compensation for services not to exceed one hundred dollars in any one year.

Advertise for supplies. 21. The Board of Supervisors of the several counties shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments, prepared by the clerk of the board, shall state separately the price of each article to be furnished, and any person may bid upon any article separately. In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board.

Fix price of printing. The board shall annually fix the price at which the county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising; and each county



officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the Board of Supervisors. A square of advertising shall be two hundred and thirty-four ems nonpareil. No supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published or whose place of business has not been established in the county for one year or more prior to the time for fixing said prices.

Powers of Board of Supervisors, continued.

A "square" defined.

22. 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 within ten days after each session of the board, a fair statement of all their proceedings.

Publish statement of expenditures.

23. 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.

Make rules, etc.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the County Clerk and of the Secretary of State.

Adopt seal.

25. 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; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or state; and the Board of Supervisors shall issue to such soldier, sailor, or marine, without cost, a license therefor. The board may provide that any such license shall cease upon the non-payment of such tax, and any person, firm, or corporation transacting or carrying on such business, without such license whenever prescribed, is guilty of a misdemeanor.

Issue licenses.

No license tax on soldiers and sailors.

26. 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.

Destroy pests.

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Provide a tax on dogs

28. To provide, by ordinances not in conflict with the general laws of the State, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

Protect fish and game.

29. 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, to be appointed by the Sheriff, whose compensation shall not exceed one

Work county prisoners on public property.

- Powers of Board of Supervisors, continued.      hundred dollars per month, 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.
- Bury indigent dead.      30. To provide for the burying of the indigent dead.
- Enforce local regulations.      31. 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.
- Provide for storing explosives.      32. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require.
- Appropriate money to induce immigration.      33. To appropriate from the general fund of the county, unless otherwise in this Act provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.
- Regulate size of wagons, etc.      34. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.
- Grant franchises for toll roads, etc.      35. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.
- Same.      36. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.
- Repair, etc., highways.      37. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.
- Levy a special road fund tax.      38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county

highways in the several road districts, in proportion to the amount collected from such districts.

39. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

40. 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.

41. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collections within such districts of a tax therefor.

SEC. 26. The enacting clause of all ordinances of the board shall be as follows: "The Board of Supervisors of the County of ——— do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the court-house door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

SEC. 27. The Board of Supervisors shall have power to direct the Sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the board.

SEC. 28. Whenever the Board of Supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpoena, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be

Powers of Board of Supervisors, continued.

Encourage tree-planting.

Do other necessary acts.

Provide for levee districts.

Ordinances.

Sheriff to attend meetings of board.

Supervisors may subpoena witnesses and send for books and papers.

examined as a witness; and such subpoena may require such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

Sheriff to  
serve such  
subpoenas.

SEC. 29. It shall be the duty of the Sheriff of the county to whom the subpoena is delivered, to serve the same by reading it to the person named therein, and at the same time to deliver to him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

Sub-com-  
mittee of  
Super-  
visors.

SEC. 30. Whenever the Board of Supervisors shall appoint any members of their body a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the chairman of the Board of Supervisors.

Witnesses  
may be  
punished  
for con-  
tempt.

SEC. 31. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, as required by such subpoena, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the Judge of the Superior Court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the Sheriff of the county where such witness was required to appear and testify, commanding the said Sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

Penalty for  
contempt.

SEC. 32. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a Superior Court.

Witness  
fees.

SEC. 33. The witnesses summoned to testify on behalf of the county in matters of public concern before the Board of Supervisors are not entitled to have their fees prepaid; but the board must allow them the reasonable expenses of their attendance.

Election  
supplies.

SEC. 34. The board must provide printed copies of the great register, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Certifi-  
cates to  
elected  
officers.

SEC. 35. Whenever, as canvassers, the Board of Supervisors have declared the result of an election held in the county,

certificates must be, by the County Clerk, issued to all persons elected to a county, township, or district office therein, and such other certificates must be made out and transmitted as required by law.

SEC. 36. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the Constitution. It shall be the duty of the Auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the Auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. The board shall have no power to make allowances against any funds which, with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed the Auditor's estimate of revenue for the year, or such proportion thereof as the time already elapsed shall bear to the entire year. Any allowance made contrary to the provisions of this section shall be null and void, and the Auditor shall not draw his warrant therefor, nor the Treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the Auditor.

Fiscal duties.

Auditor's duty.

SEC. 37. Whenever the Board of Supervisors shall adopt plans and specifications for the erection, alteration, construction, or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, except by a vote of two thirds of their number.

Plans and specifications for public buildings, etc.

SEC. 38. Whenever the Board of Supervisors shall enter into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done on, or extra material furnished for, such building or structure.

Changes in contracts.



State of California, }  
County of \_\_\_\_\_ } ss.

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, County Clerk.

Allowed by Board of Supervisors, \_\_\_\_\_, 18—, in sum of \$\_\_\_\_\_, payable out of \_\_\_\_\_ Fund.

Attest: \_\_\_\_\_, Clerk of Board of Supervisors.

Countersigned: \_\_\_\_\_, Chairman Board of Supervisors.

Warrant No. \_\_\_\_\_.

Allowed \_\_\_\_\_, 18—, for the sum of \$\_\_\_\_\_, payable out of \_\_\_\_\_ fund.

\_\_\_\_\_, County Auditor,

No. \_\_\_\_\_ Registered \_\_\_\_\_, 189—.

\_\_\_\_\_, County Treasurer.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the Board of Supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the Auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the amount for which it is allowed, from what fund, date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so allowed and signed by the Auditor, shall constitute the warrant on the treasury, within the meaning of this Act.

Demand allowed.

SEC. 42. When the board find that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; and said rejection shall be plainly indorsed on said claim; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the board, but not afterward.

Rejected.

SEC. 43. If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six

Claimant may sue.

months after the final action of the board, but not afterward, and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed.

**Warrants.** SEC. 44. Warrants drawn by order of the Supervisors on the county treasury for the current expenses during each year, must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the Treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

**Supervisor must not be interested.** SEC. 45. No member of the board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose, or act as a member of a committee or board of reviewers.

**When Superior Court shall act on franchise.** SEC. 46. Whenever an application is made to the board for an order, franchise, or license relating to any toll road, bridge, ferry, wharf, chute, pier, or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the Superior Court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said Superior Court, and thereafter the said Superior Court shall have full jurisdiction to hear and determine the application.

**Public notice.** SEC. 47. All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the court-house door, and two other public places in the county.

**Assessor's duty.** SEC. 48. The board must require the Assessor to report to the State Board of Equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may direct.

**Per diem and mileage.** SEC. 49. All claims against the county, presented by members of the Board of Supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the District Attorney, who must indorse thereon, in writing, his opinion as to the legality thereof. If the District Attorney declare the claim, or any part thereof, illegal, he must state specifically wherein it is illegal, and the claim, or such part, must then be rejected by said board.

**District Attorney's duty.** SEC. 50. The board must have prepared by the clerk, and when he is not also Auditor, then by that officer, and under



their direction, prior to their annual meeting for levying taxes, a statement showing :

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof. Must prepare statement of indebtedness, property owned, etc.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury and its several funds.

SEC. 51. The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof. Grants from United States, etc.

SEC. 52. The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams and washes within the county and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners, or others. Whenever, in the opinion of the Board of Supervisors, the general fund is insufficient to defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this Act. Care of streams.

SEC. 53. Any Supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently, or corruptly attempts to perform an act, as Supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained. Neglect of duty or malfeasance in office.

SEC. 54. No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the State, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the State, and a resident of the county or district, shall be eligible to the office of Superintendent of Public Schools, School Trustee, or member of the County Board of Education; *and provided further*, that no person shall hereafter be eligible to the office of District Attorney who has not been admitted to practice in the Supreme Court of the State of California. Eligibility to office.

SEC. 55. The officers of a county are a Sheriff, a County Clerk, an Auditor, a Recorder, a License Collector, a Tax Col- Qualifications of District Attorney. County officers specified.

lector, who shall be ex officio License Collector, a District Attorney, an Assessor, a Treasurer, a Superintendent of Schools, a Public Administrator, a Coroner, a Surveyor, the members of the Board of Supervisors, and such other officers as may be provided by law. In counties where the Board of Supervisors by proper ordinance so elect, except as otherwise provided in this Act, the duties of certain of the above-mentioned officers are hereby consolidated, as follows: Sheriff and Tax Collector; Auditor and Recorder; County Clerk, Auditor, and Recorder; County Clerk and Recorder; County Clerk and Auditor; Treasurer and Tax Collector; Assessor and Tax Collector; Public Administrator and Coroner. In counties where the duties of said officers have been, or may hereafter be, consolidated in either manner above designated, the Board of Supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

Consolidated offices.

Township officers.

SEC. 56. The officers of a township are two Justices of the Peace, two Constables, and such subordinate officers as are provided by law. In townships containing cities in which City Justices or Recorders are elected, there shall be but one Justice of the Peace; except as hereinafter otherwise provided, and in townships having a population less than four thousand, there shall be but one Justice of the Peace and one Constable. The Board of Supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing Justices of the Peace and Constables. But the provisions of this section shall not affect any present incumbent of the office of Justice of the Peace or Constable.

Fee for publication.

SEC. 57. Whenever notice is required by law to be published in a newspaper by any county or township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law, pertaining to the duties of his office, shall be a misdemeanor.

Time of elections.

SEC. 58. All elective county and township officers, and City Justices of the Peace, except otherwise provided for in this Act, shall be elected at the general election at which the Governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this Act shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The Supervisors of any county created after the first day of

Tenure of elective officers.

January, eighteen hundred and ninety-three, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election.

SEC. 59. Every county, township, or district officer, except Deputies. a Supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the County Clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

SEC. 60. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies.

SEC. 61. All county officers must have their offices at the Office hours. county seat, and the Sheriff, Clerk, Recorder, Auditor, Treasurer, and District Attorney must keep their offices open for the transaction of business from nine o'clock A. M. until five o'clock P. M., non-judicial days excepted.

SEC. 62. Whenever, except in criminal prosecutions, any Bondsman are liable for official neglect. special penalty, forfeiture, or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon.

SEC. 63. Every officer mentioned in section fifty-five, and his deputies, and every Justice of the Peace, may administer Who may administer oaths. and certify oaths.

SEC. 64. A county or township officer shall in no case Absence from State. absent himself from the State for a period of more than sixty days in any one year, and for no period without the consent of the Board of Supervisors of the county, except when on business for the State; *providing*, that in case of illness or urgent necessity, the Board of Supervisors may, on a proper showing of such illness or urgent necessity, extend the time herein limited, for the absence of any such officer, not to exceed six months.

SEC. 65. Sheriffs, Clerks, and Constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except District Attorneys and Treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

SEC. 66. The Board of Supervisors of each county shall, on Official bonds. or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, County Clerk, Auditor, Sheriff, Tax Collector, District Attorney, Recorder,

Assessor, Surveyor, Superintendent of Schools, Public Administrator, Coroner, Justice of the Peace, and Constable. The Judge or Judges of the Superior Court shall, on or before the said first Monday of September, prescribe the amount in which each member of the Board of Supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges, if there be more than one, of the Superior Court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the State, and is worth in real or personal property, or both, situate in this State, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the County Recorder, and then filed and kept in the office of the County Clerk. The official bond of the County Clerk shall, after being recorded, be filed and kept in the office of the County Treasurer. The Tax Collector shall also before qualifying give a bond as License Collector in such sum as may be fixed by the Board of Supervisors, to be approved as herein provided.

COUNTY TREASURER.

Duties of  
County  
Treasurer.

SEC. 67. The County Treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the Auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the County Auditor.

Disburse-  
ments.

6. Disburse the county moneys only on county warrants, issued by the County Auditor, except on settlement with the State.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the Board of Supervisors,

or upon order of the Superior Court, or as otherwise provided by law.

Duties of  
County  
Treasurer,  
continued.

SEC. 68. He must receive no money into the treasury unless accompanied by the certificate of the Auditor, provided for in section one hundred and eleven.

SEC. 69. When any money is paid to the County Treasurer he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the County Auditor, who must charge the Treasurer therewith, and give the person paying the same a receipt.

SEC. 70. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same and write on the face thereof "paid," the date of payment, and sign his name thereto. Warrants.

SEC. 71. When any warrant is presented to the Treasurer for payment, and the same is not paid for want of funds, the Treasurer must indorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

SEC. 72. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the Treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the court-house door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

SEC. 73. In advertising warrants under the provisions of the preceding section in any newspaper, the Treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the Treasurer must designate such payable warrants in the advertisement.

SEC. 74. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants must be noted by the Treasurer, and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

SEC. 75. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the Treasurer applied to the payment of unpaid warrants next in order of registry. The Board of Supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the Treasurer to pay them out of any money in the treasury not otherwise appropriated.

Duties of  
County  
Treasurer,  
continued.

SEC. 76. When the Treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

Treasurer's  
settlement  
with Audi-  
tor.

SEC. 77. The Treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the Auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the Auditor's receipt therefor. He must also make a full settlement of all accounts with the Auditor, annually, on the first Monday of January, in the presence of the Supervisors.

File regu-  
lar reports  
with Su-  
pervisors.

SEC. 78. Each County Treasurer must make a detailed report, at every regular meeting of the Board of Supervisors of his county, of all moneys received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may distinctly appear.

SEC. 79. If any County Treasurer neglect or refuse to settle or report, as required in sections seventy-seven and seventy-eight, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the Board of Supervisors must institute suits for the recovery thereof.

District  
Attorney to  
pay over  
money.

SEC. 80. If the District Attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-two, he shall be liable for such refusal or neglect upon his official bond, and the County Treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. And no order of the Board of Supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge.

Money  
from  
Coroner.

SEC. 81. The Treasurer, upon receiving from the Coroner, or Justice of the Peace acting as Coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

SEC. 82. If the money in the treasury is demanded within six years, by the legal representatives of the decedent, the Treasurer must pay it to them, after deducting the fees and expenses of the Coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the Board of Supervisors.

SEC. 83. The County Treasurer must keep all moneys belonging to this State, or to any county of this State, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

Duties of County Treasurer, continued.

Public funds.

SEC. 84. Whenever an action, based upon official misconduct, is commenced against any County Treasurer, the Supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required, by the Board of Supervisors.

Suspension from office.

SEC. 85. In case of the death of any County Treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers, and documents which are or may come into their possession.

Death.

SEC. 86. The books, accounts, and vouchers of the Treasurer are at all times subject to the inspection and examination of the Board of Supervisors and grand jury.

Examination of books.

SEC. 87. The Treasurer must permit the chairman of the Board of Supervisors, District Attorney, and Auditor to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

Must permit examination.

SHERIFF.

Sheriff.

SEC. 88. "Process," as used in this Act, includes all writs, warrants, summonses, and orders of courts of justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any court, board, or officer, or when required by law to be served independently of such proceeding.

Process and notice defined.

SEC. 89. The Sheriff must:

Duties of Sheriff.

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.
3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.
4. Attend all Superior Courts held within his county, and obey all lawful orders and directions of all courts held within his county.
5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.
6. Take charge of and keep the county jail, and the prisoners therein.
7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

Duties of Sheriff, continued.

8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time when received.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

Returns.

SEC. 90. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the post office, prepaying postage.

SEC. 91. The return of the Sheriff upon process or notices is prima facie evidence of the facts in such return stated.

SEC. 92. If a Sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

Refusal or neglect to serve writ.

SEC. 93. If the Sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

Neglect to pay over money.

SEC. 94. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

Escapes, liability for.

SEC. 95. A Sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

Rescue.

SEC. 96. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

Return of escape.

SEC. 97. An action cannot be maintained against the Sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the Sheriff.



SEC. 98. No direction or authority by a party or his attorney to a Sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the Sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

Duties of Sheriff, continued.

Directions in writing.

SEC. 99. When the Sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

Forfeiture of office.

SEC. 100. A Sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

Must execute all process.

SEC. 101. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

Must show process.

SEC. 102. The Sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

Crier.

SEC. 103. Service of a paper, other than process, upon the Sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the Sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the Sheriff sells real estate, under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the Sheriff who made the sale.

Service of process upon Sheriff.

In case of death of Sheriff.

Execution of deeds to real estate sold at Sheriff's sale.

SEC. 104. When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, must be executed by the Coroner of the county; *provided*, when any action is begun against the Sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

When Coroner shall serve process.

SEC. 105. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases:

Elisor, when may be designated.

1. When the Sheriff and Coroner are both parties;

Duties of  
Sheriff,  
continued.

2. When either of these officers is a party, and the process is against the other; and,

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially.

Compensa-  
tion to  
Coroner or  
elisor.

When process is delivered to an elisor, he must execute and return it in the same manner as the Sheriff is required to execute similar process. Whenever process is executed, or any act performed by a Coroner or elisor, in the cases provided by law in that behalf, such Coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

Other  
duties.

SEC. 106. The Sheriff must perform such other duties as are required by law.

#### COUNTY CLERK.

County  
Clerk.

SEC. 107. The County Clerk must:

Duties.

1. Take charge of and safely keep, or dispose of, according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as clerk of the Board of Supervisors and as clerk of the Superior Court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the Superior Court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged.

4. Keep for the Superior Court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book"; also an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book"; keep an index of the names of persons naturalized.

SEC. 108. He must keep such other records and perform such other duties as are prescribed by law.

## COUNTY AUDITOR.

County Auditor.

SEC. 109. The Auditor must issue warrants as provided in section forty-one, on the County Treasurer, in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the Board of Supervisors. The Auditor must also issue warrants on the County Treasurer for all debts and demands against the county, when the amounts are fixed by law, or are authorized by law to be allowed by some person or tribunal other than the Board of Supervisors.

Issue warrants for claims against county.

SEC. 110. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

Warrants must specify. Examine accounts.

SEC. 111. The Auditor must examine and settle the accounts of all persons or officers indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the Treasurer, and upon the presentation and filing of the Treasurer's receipt therefor, give to such persons a discharge, and charge the Treasurer with the amount received by him.

SEC. 112. The Auditor must keep accounts current with the Treasurer, and when any person deposits with the Auditor any receipt given by the Treasurer for any money paid into the treasury, the Auditor must file such receipt, and charge the Treasurer with the amount thereof.

Keep accounts current with Treasurer.

SEC. 113. All warrants issued by the Auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

Details as to warrants.

SEC. 114. The Auditor must, between the first and tenth day of each month, examine the books of the Treasurer, and see that the same have been correctly kept.

Examine books of Treasurer.

SEC. 115. The chairman of the Board of Supervisors, District Attorney, and Auditor, must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

Count money in treasury; statement.

1. The amount of money that ought to be in the treasury.

2. The amount and kind of money actually therein.

SEC. 116. They must file one of the statements in the office of the County Clerk, and the Auditor must post and maintain the other in his office for at least one month thereafter.

File statement.

SEC. 117. The Auditor and Treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the Board of Supervisors may require, make a joint statement to the Board of Supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same were distributed, and the amount to each; the total amount of

Make a quarterly joint statement.

County Auditor, continued.

Yearly statistical report.

warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally, make a full and specific showing of the financial condition of the county. The Auditor shall prepare and submit to the Board of Supervisors, each year, a statistical report, showing in compendious form all financial transactions of the county, yearly, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, according to a plan to be approved by the Board of Supervisors, and the Board of Supervisors shall publish the same.

SEC. 118. The Auditor must discharge such other duties as are required by law.

County Recorder.

COUNTY RECORDER.

Books for office.

SEC. 119. The Recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the Board of Supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps, and papers deposited in his office.

Record, what.

SEC. 120. He must, upon the payment of his fees for the same, record, separately, in large and well-bound separate books, in a fair hand:

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved.

2. Mortgages of personal property.

3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.

5. Official bonds.

6. Notice of mechanics' lien.

7. Transcripts of judgments, which by law are made liens upon real estate.

8. Notices of attachments upon real estate.

9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

10. Instruments describing or relating to the separate property of married women.

11. Births and deaths; and,

12. Such other writings as are required or permitted by law to be recorded.

Books to be kept.

SEC. 121. Every Recorder must keep:

1. An index of deeds, grants, and transfers, labeled "Grants," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees,"

"Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indices of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this head placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors,"

Duties of  
County  
Recorder,  
continued.  
Books to be  
kept.

Duties of County Recorder, continued.

"Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

Books to be kept.

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed, respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled, "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indices as are or may be required by law.

23. An index of decrees of distribution in probate, labeled: "Decrees of Distribution," divided into six columns, headed, respectively: "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

SEC. 122. The Recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the

names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

Duties of County Recorder, continued.

SEC. 123. The Recorder must file and record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is Recorder.

Certified copies of decrees of partition.

SEC. 124. Every such certified copy of partition, from the time of filing the same with the Recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

Same.

SEC. 125. The Recorder may keep in the same volume any two or more of the indices mentioned in section one hundred and twenty-one; but the several indices must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indices kept therein. The names of the parties in the first column in the several indices must be arranged in alphabetical order, and when a conveyance is executed by a Sheriff, the name of the Sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

Manner of keeping the several indices.

SEC. 126. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the Recorder's office for record, the Recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the same were received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

Indorsements on instruments received for record.

SEC. 127. He must also indorse upon each instrument, paper, or notice the time when, the book, and pages in which it is recorded, and must thereafter deliver it to the party leaving the same for record, or upon his order.

Same.

SEC. 128. It shall be the duty of the Recorder, upon the payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

Acknowledgments.

SEC. 129. If any Recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

Liability for damages.

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or,

Duties of  
County  
Recorder,  
continued.

2. Records any instrument, paper, or notice, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or,

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

Fees must  
be paid.

SEC. 130. He shall not record any instrument, or file any paper or notice, or furnish any copy, or render any service connected with his office, until his fees for the same, as prescribed by law, are, if demanded, paid or tendered.

Public in-  
spection of  
records.

SEC. 131. All books of record, maps, charts, surveys, and other papers on file in the Recorder's office, must, during office hours, be open for inspection by any person, without charge; and the Recorder must arrange the books of record and indices in his office in such suitable places as to facilitate their inspection.

District  
Attorney.

#### DISTRICT ATTORNEY.

Duties.

SEC. 132. The District Attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the Superior Court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the State or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the State or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the County Treasurer.

5. On the first Monday of each month file with the Auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the County Treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

SEC. 133. The District Attorney is the legal adviser of the Board of Supervisors. He must attend their meetings, when



required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal. Duties of District Attorney, continued.

SEC. 134. The District Attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

COUNTY SURVEYOR.

County Surveyor.

SEC. 135. The County Surveyor must be a licensed land surveyor of the State, and must make any survey that may be required by order of court or of the Board of Supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and indorse thereon its proper number; a copy of the same, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law. Qualification and duties.

SEC. 136. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the Surveyor of any county in which any part of such land is situated, and on such application being made, the Surveyor must make the survey, which is as valid as though the lands were situated entirely within the county. Duty as to lands divided by county lines.

SEC. 137. When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the Surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey. Same.

SEC. 138. Each County Surveyor must, when required, aid and assist the Surveyor-General in making surveys within the county. When the County Surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the County Surveyor would be entitled to for similar service. Must assist Surveyor-General.

SEC. 139. The County Surveyor shall copy, plat, or trace all maps filed for record in the office of the County Recorder of the county for which he shall be elected, and shall be ex officio Deputy County Recorder for said county for such purposes, at the cost of the party filing the same for record; *provided, however,* that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this Act. Shall copy maps filed for record.  
 The County Surveyor shall plat, trace, blue-print, or otherwise make all county, township, road, district, and all other maps, Except.  
Must make county maps, etc.

Duties of County Surveyor, continued. and all Assessors' block books, for the county of which he is Surveyor. All such maps which are platted, traced, blue-printed, or otherwise made as aforesaid, shall be filed in the County Surveyor's office, together with all data obtained by the County Surveyor from other sources, and the same thereafter shall become the property of the county.

Shall assist the Supervisors. SEC. 140. The County Surveyor shall make such surveys of county roads, and perform such other engineering work as the Board of Supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the County Surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the County Surveyor to advise the Board of Supervisors regarding all engineering work, and to perform such engineering work for the county as may be required by the Board of Supervisors.

Compensation. SEC. 141. The Board of Supervisors of each county shall provide, for the use of the County Surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material, also all necessary expenses and transportation on work performed in the field. In lieu of fees, as now provided by law, the County Surveyor shall receive such compensation as the Board of Supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

Coroner.

## COUNTY CORONER.

Duties. SEC. 142. The Coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The Coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may, upon the written order of the District Attorney, employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the Superior Court of the county; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

Must inter unknown dead. SEC. 143. When an inquest is held by the Coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

"Coroner's register." SEC. 144. It shall be the duty of the Coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such descrip-

tion of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the Coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Duties of  
Coroner,  
continued.

SEC. 145. The Coroner must, within thirty days after an inquest upon a dead body, deliver to the County Treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the Treasurer, showing:

Money or  
other prop-  
erty found.

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the Coroner, or any Justice of the Peace acting as Coroner, fail to deliver to the Treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the Public Administrator, or other legal representative of the decedent, as required by this section, the District Attorney must proceed against the Coroner, or Justice of the Peace acting as Coroner, to recover the same, by civil action, in the name of the county.

Failure to  
deliver.

SEC. 146. If the office of Coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any Justice of the Peace of the county, with the like authority, and subject to the same obligations and penalties as the Coroner.

Vacancy;  
Justice of  
the Peace  
to act.

SEC. 147. In the cases specified in section one hundred and four, the Coroner must discharge the duties of Sheriff.

SEC. 148. The Assessor must perform such duties as are prescribed in title nine, part three, of the Political Code, and such other duties as are required by law; *provided*, that where any salary is allowed to the Assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the County Auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the Assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

Assessor's  
duties.

SEC. 149. The Tax Collector must perform such duties as are prescribed in title nine, part three, of the Political Code, and as License Collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the Treasurer therefor.

Tax  
Collector's  
duties.

SEC. 150. The School Superintendent must perform such duties as are prescribed in title three, part three, of the Political Code, and shall perform such other duties as are required by law.

School  
Superin-  
tendent's  
duties.

- Public Administrator's duties.** SEC. 151. The Public Administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure, and shall perform such other duties as are required by law.
- Same.** SEC. 152. It shall be the duty of the Public Administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-annual report required to be made by the Public Administrator shall be a county charge.
- Constables' duties.** SEC. 153. Constables must attend the courts of Justices of the Peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by Justices of the Peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are now or may be hereafter allowed by law.
- Same duties as Sheriff.** SEC. 154. All provisions of sections eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, and one hundred and three, except the fourth and sixth subdivisions of section eighty-nine, apply to Constables, and govern their powers, duties, and liabilities.
- Duties of Justices of the Peace.** SEC. 155. Justices of the Peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.
- Salaries.** SEC. 156. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the Auditor.
- Classification of counties.** SEC. 157. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this State are hereby classified, according to their population (as ascertained and determined in section ten), as follows, to wit:
- 1st class.** All counties containing a population of two hundred thousand and over shall belong to and be known as counties of the first class.
- 2d class.** Counties containing a population of one hundred and twenty thousand and under two hundred thousand shall belong to and be known as counties of the second class.
- 3d class.** Counties containing a population of one hundred thousand and under one hundred and twenty thousand shall belong to and be known as counties of the third class.
- 4th class.** Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty-five thousand and under fifty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-seven thousand and under forty-five thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-six thousand and under thirty-seven thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-five thousand and under thirty-six thousand shall belong to and be known as counties of the eighth class.

Counties having a population of thirty-five thousand and under thirty-five thousand five hundred shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-six thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty-four thousand and under twenty-six thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of twenty-two thousand and under twenty-four thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of twenty-two thousand and under twenty-two thousand five hundred shall belong to and be known as counties of the fifteenth class.

Counties having a population of twenty-one thousand and under twenty-two thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of twenty-one thousand and under twenty-one thousand five hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of twenty thousand five hundred and under twenty-one thousand shall belong to and be known as counties of the eighteenth class.

Counties having a population of twenty thousand and under twenty thousand five hundred shall belong to and be known as counties of the nineteenth class.

Counties having a population of eighteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the twentieth class.

Counties having a population of eighteen thousand three hundred and fifty and under eighteen thousand five hundred shall belong to and be known as counties of the twenty-first class.

- 22d class. Counties having a population of eighteen thousand three hundred and under eighteen thousand three hundred and fifty shall belong to and be known as counties of the twenty-second class.
- 23d class. Counties having a population of eighteen thousand and under eighteen thousand three hundred shall belong to and be known as counties of the twenty-third class.
- 24th class. Counties having a population of seventeen thousand three hundred and fifty and under eighteen thousand shall belong to and be known as counties of the twenty-fourth class.
- 25th class. Counties having a population of seventeen thousand three hundred and under seventeen thousand three hundred and fifty shall belong to and be known as counties of the twenty-fifth class.
- 26th class. Counties having a population of seventeen thousand one hundred and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-sixth class.
- 27th class. Counties having a population of sixteen thousand five hundred and under seventeen thousand one hundred shall belong to and be known as counties of the twenty-seventh class.
- 28th class. Counties having a population of sixteen thousand one hundred and fifty and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-eighth class.
- 29th class. Counties having a population of sixteen thousand and under sixteen thousand one hundred and fifty shall belong to and be known as counties of the twenty-ninth class.
- 30th class. Counties having a population of fourteen thousand four hundred and under sixteen thousand shall belong to and be known as counties of the thirtieth class.
- 31st class. Counties having a population of fourteen thousand and under fourteen thousand four hundred shall belong to and be known as counties of the thirty-first class.
- 32d class. Counties having a population of thirteen thousand one hundred and under fourteen thousand shall belong to and be known as counties of the thirty-second class.
- 33d class. Counties having a population of thirteen thousand and under thirteen thousand one hundred shall belong to and be known as counties of the thirty-third class.
- 34th class. Counties having a population of twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the thirty-fourth class.
- 35th class. Counties having a population of twelve thousand and under twelve thousand five hundred shall belong to and be known as counties of the thirty-fifth class.
- 36th class. Counties having a population of eleven thousand six hundred and fifty and under twelve thousand shall belong to and be known as counties of the thirty-sixth class.
- 37th class. Counties having a population of eleven thousand six hundred and under eleven thousand six hundred and fifty shall belong to and be known as counties of the thirty-seventh class.
- 38th class. Counties having a population of eleven thousand and under eleven thousand six hundred shall belong to and be known as counties of the thirty-eighth class.

Counties having a population of ten thousand five hundred <sup>39th class.</sup> and under eleven thousand shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of ten thousand two hundred <sup>40th class.</sup> and under ten thousand five hundred shall belong to and be known as counties of the fortieth class.

Counties having a population of nine thousand eight hun- <sup>41st class.</sup> dred and under ten thousand two hundred shall belong to and be known as counties of the forty-first class.

Counties having a population of nine thousand and under <sup>42d class.</sup> nine thousand eight hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of eight thousand eight hun- <sup>43d class.</sup> dred and under nine thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of eight thousand five hundred <sup>44th class.</sup> and under eight thousand eight hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of seven thousand nine hun- <sup>45th class.</sup> dred and under eight thousand five hundred shall belong to and be known as counties of the forty-fifth class.

Counties having a population of seven thousand five hun- <sup>46th class.</sup> dred and under seven thousand nine hundred shall belong to and be known as counties of the forty-sixth class.

Counties having a population of seven thousand four hun- <sup>47th class.</sup> dred and under seven thousand five hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of six thousand five hundred <sup>48th class.</sup> and under seven thousand four hundred shall belong to and be known as counties of the forty-eighth class.

Counties having a population of five thousand nine hundred <sup>49th class.</sup> and under six thousand five hundred shall belong to and be known as counties of the forty-ninth class.

Counties having a population of five thousand seven hun- <sup>50th class.</sup> dred and under five thousand nine hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of five thousand five hundred <sup>51st class.</sup> and under five thousand seven hundred shall belong to and be known as counties of the fifty-first class.

Counties having a population of five thousand three hundred <sup>52d class.</sup> and under five thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of four thousand nine hundred <sup>53d class.</sup> and under five thousand three hundred shall belong to and be known as counties of the fifty-third class.

Counties having a population of four thousand and under <sup>54th class.</sup> four thousand nine hundred shall belong to and be known as counties of the fifty-fourth class.

Counties having a population of three thousand and under <sup>55th class.</sup> four thousand shall belong to and be known as counties of the fifty-fifth class.

Counties having a population of two thousand and under <sup>56th class.</sup>

three thousand shall belong to and be known as counties of the fifty-sixth class.

57th class.

Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class.

1st class  
(San Francisco).

Salaries  
and fees.

SEC. 158. In counties of the first class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the salaries and fees fixed by law as compensation; *provided*, that this shall not be construed as adding any additional compensation to any officer; *provided, however*, that the Sheriff shall also be allowed mileage for the service of any paper required by law to be served, at the rate of fifteen cents per mile for one way only, to be paid by the person requiring such service.

2d class  
(Los Angeles);  
salaries in.

County  
Clerk and  
deputies.

SEC. 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the County Clerk the following deputies, who shall be appointed by the County Clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and thirty-five dollars per month; two registry clerks at a salary of one hundred and twenty-five dollars each per month; one clerk of the Board of Supervisors at a salary of one hundred and twenty-five dollars per month, and six court-room clerks at a salary of one hundred and fifteen dollars each per month; one recording clerk, one file clerk, one index clerk, one clerk in charge of criminal records, at eighty dollars each per month; one miscellaneous clerk and one assistant clerk of the Board of Supervisors at a salary of ninety dollars each per month; one clerk at a salary of seventy-five dollars per month; one clerk at a salary of forty-five dollars per month; one deputy at a salary of twenty-five dollars per month; six clerks at a salary of seventy dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Clerk is paid.

Sheriff,  
deputies,  
and office  
attachés.

2. The Sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Sheriff an Under Sheriff and the following deputies and stenographers, who shall be appointed by the Sheriff of said county, and shall be paid salaries as follows: One Under Sheriff at a salary of one hundred and thirty-five dollars per month; one bookkeeper at a salary of one hundred and twenty-five dollars per month; eight deputies at a salary of ninety dollars each per month; six court deputies at a salary of ninety dollars each per month; four jail deputies at a salary of seventy dollars each per month; one jail matron at a salary of fifty dollars per month; one stenographer at a salary of sixty dollars per month. The salaries of the Under Sheriff and all deputies and stenographers herein provided for shall



be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund that the salary of the Sheriff is paid. The Sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be a charge against the county, and allowed as such by the Board of Supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution the Sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale, and a commission of one per cent upon the proceeds of the sale, which commission shall in no case exceed the sum of twenty-five dollars. Said commission shall be paid into the county treasury and shall be the property of the county.

2d class  
(Los Angeles),  
continued.

3. The Recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Recorder the following deputies and copyists, who shall be appointed by the Recorder of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of ninety dollars each per month; two deputies at a salary of eighty-five dollars each per month; four deputies at a salary of eighty dollars each per month; two deputies at a salary of seventy-five dollars each per month, not to exceed four months in any one year; and as many copyists as may be required, who shall receive as compensation for their services the sum of five and one half cents per folio for recording any instrument or notice, except maps or plats; for copies of any record or paper, five cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Recorder is paid.

Recorder  
and  
deputies.

Copyists.

4. The Auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the Auditor the following deputies and clerks, who shall be appointed by the Auditor, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of ninety dollars per month; two deputies at a salary of eighty dollars per month each; and forty clerks at a salary of seventy-five dollars each per month, not to exceed one month each in any one year, and such additional assistance as the Auditor may require, and whose compensation in the aggregate shall not exceed the sum of seven hundred and fifty dollars in any one year. The salaries of the chief deputy, deputies, and clerks herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Auditor.

Auditor  
and  
deputies.

5. The Treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be

Treasurer  
and  
deputies.

2d class  
(Los  
Angeles),  
continued.

and hereby is allowed to the Treasurer one chief deputy, who shall be appointed by the Treasurer, and shall be paid a salary of one hundred and twenty-five dollars per month, also one deputy at a salary of ninety dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Treasurer.

Tax Col-  
lector and  
deputies.

6. The Tax Collector, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the Tax Collector the following deputies and clerks, who shall be appointed by the Tax Collector, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; one cashier, two report clerks, and one general clerk, at a salary of one hundred dollars each per month; one corresponding clerk at a salary of ninety dollars per month; one license clerk at a salary of ninety dollars per month, and two license inspectors at a salary of seventy-five dollars per month each; three clerks at a salary of seventy-five dollars each per month; one clerk at a salary of ninety dollars per month, not to exceed four months in any one year; thirty-four clerks at a salary of seventy-five dollars each per month, not to exceed four months each in any one year. There is also allowed not to exceed four hundred dollars for traveling expenses for the License Tax Collector each year. The salaries of the chief deputy and all the clerks and deputies herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Tax Collector.

District  
Attorney  
and  
assistants.

7. The District Attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the District Attorney an Assistant District Attorney and the following deputies, who shall be appointed by the District Attorney of said county, and shall be paid salaries as follows: One Assistant District Attorney at a salary of one hundred and eighty-five dollars per month; one chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred dollars each per month; and one stenographer at a salary of seventy-five dollars per month; *provided further*, that nothing herein contained shall be construed to prevent the Board of Supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the Assistant District Attorney, deputies, stenographer, and special counsel herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the District Attorney.

Assessor  
and  
attachés.

8. The Assessor, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Assessor the following deputies and clerks,

who shall be appointed by the Assessor, and shall be paid salaries as follows: One chief deputy at one hundred and twenty-five dollars per month; one second deputy at a salary of one hundred fifteen dollars per month; one valuation clerk at a salary of eighty-five dollars per month; one transfer clerk at a salary of eighty-five dollars per month; twenty field deputies for not exceeding one month in any one year, at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding two months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; four clerks for not exceeding four months in any one year, at a salary of ninety dollars each per month; one clerk for not exceeding three months in any one year, at a salary of ninety dollars per month; nineteen clerks for not exceeding four months in any one year, at a salary of eighty dollars each per month; four clerks and one stenographer not to exceed four months in any one year, at a salary of sixty dollars each per month; five clerks for not exceeding one month in any one year, at a salary of eighty dollars each per month; fifteen clerks, copyists, and indexers for not to exceed four months in any one year, at a salary of sixty dollars each per month, and one messenger for not exceeding four months in any one year, at a salary of thirty dollars per month. The salaries of the deputies, stenographer, and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Assessor is paid.

2d class  
(Los  
Angeles),  
continued.

9. The Coroner, three thousand dollars per year and his actual necessary traveling expenses when traveling outside of the county seat. He must hold inquests, as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The Coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, as now provided by law.

Coroner.

10. The Public Administrator, three thousand dollars per annum.

Public  
Adminis-  
trator.

11. The Superintendent of Schools, three thousand dollars per annum, which shall be in full for all services including attendance upon the board of education, and actual necessary traveling expenses not to exceed five dollars each for every school district in the county; *provided*, that in counties of

Superin-  
tendent of  
Schools  
and  
assistants.

2d class  
(Los Angeles),  
continued.

this class there shall be and there hereby is allowed to the Superintendent of Schools one assistant and one deputy, who shall be appointed by the Superintendent of Schools of said county, and shall be paid salaries as follows: One assistant at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the assistant and deputy herein provided for shall be paid by the county in the same manner and at the same time and out of the same fund as the Superintendent of Schools is paid.

Surveyor  
and office  
attachés.

12. The Surveyor, ten dollars per day for all work performed, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class there shall be and there hereby is allowed to the Surveyor, one chief deputy and seven draughtsmen, who shall be appointed by the Surveyor of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and forty dollars per month; five draughtsmen at a salary of one hundred dollars each per month; and two draughtsmen at a salary of seventy-five dollars per month. The salaries of the chief deputy and draughtsmen herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner as the deputies of other county officers are paid.

Supervis-  
ors.

13. Supervisors, one thousand eight hundred dollars per annum, together with mileage, at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as Road Commissioners or Supervisors, not exceeding in the aggregate five hundred dollars each per annum. They shall also receive their necessary expenses when attending meetings of the State Board of Equalization.

Justices of  
the Peace.

14. Justices of the Peace, such fees as are now or may be hereafter allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all 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 Justice of the Peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the County Treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said board with their said report; *provided further*, that the Boards of Supervisors of such counties may, in townships having a population of more than

thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the Justice's Court. 2d class (Los Angeles), continued.

15. 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, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be made parties; and no claim of any such Constable, in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such Constable, on the account aforesaid, shall belong to and be the property of the county in which Constable has been elected or appointed. And each of said Constables shall report, under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said board, with his said report. Constables

16. This section, and all subdivisions and parts thereof, shall be in force and take effect from and after the passage of this Act. In force.

SEC. 160. 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 offices, the following salaries: 3d class (Alameda); salaries and fees in.

1. The County Clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the County Clerk one chief deputy, whose salary is hereby fixed at the sum of sixteen hundred dollars per annum; four court-room deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one deputy, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and one copyist, whose salary is hereby fixed at the sum of six hundred dollars per annum; the chief deputy, eight deputies, and one copyist herein provided for shall be appointed by the Clerk of said county, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of County Clerk. County Clerk and deputies.

2. The Sheriff, four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the Sheriff one Under Sheriff, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred Sheriff and office attachés.

3d class  
(Alameda),  
continued.

dollars per annum; one assistant jailer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; and five deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; the Under Sheriff, chief jailer, assistant jailer, and five deputies herein provided for shall be appointed by the Sheriff of said county, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Sheriff; *provided*, that in counties of this class the Sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the County Auditor, a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the Sheriff shall thereupon pay over to the County Treasurer, for the use of the county, any difference between the amount allowed for such purpose by the Supervisors and the amount actually expended by him therefor.

Recorder  
and office  
attachés.

3. The Recorder, four thousand dollars per annum; *provided*, that there shall be and thereby is allowed to the Recorder one chief deputy, whose salary is hereby fixed at fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one mortgage deputy, whose salary is hereby fixed at twelve hundred dollars per annum; *provided further*, that the chief deputy, two deputies, and one mortgage deputy herein provided for shall be appointed by the Recorder of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the Recorder; *provided further*, that in counties of this class the Recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office, not exceeding six and one half cents per folio for each paper or document so recorded; *and provided further*, that said Recorder shall file monthly, with the County Auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

Auditor  
and office  
attachés.

4. The Auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Auditor one deputy, who shall be appointed by the Auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and such additional assistance as the Auditor may require, and whose compensation shall not in the aggregate exceed the sum of five hundred dollars per annum; *and provided*, that the Auditor shall file with the County Clerk a verified statement, showing in detail the amounts paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Auditor.

5. The Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Treasurer one deputy, who shall be appointed by the Treasurer of said county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sum shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Treasurer.

3d class  
(Alameda),  
continued.

Treasurer.

6. The Tax Collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Tax Collector one chief deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the Tax Collector one extra deputy for the month of April of each year, whose salary shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and seven extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and nine extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; *provided further*, that the chief deputy, and all other deputies herein provided for, shall be appointed by the Tax Collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Tax Collector.

Tax Col-  
lector and  
attachés.

6½. The License Collector shall receive fifteen per cent of all licenses collected by him.

License  
Collector.

7. The Assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Assessor one chief deputy, whose salary is hereby fixed at eighteen hundred dollars per annum, one deputy, whose salary is hereby fixed at twelve hundred dollars per annum; *and provided further*, that there shall be and there hereby is allowed to the Assessor two poll tax or other deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; five deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; four copyists, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; seven outside field deputies, whose salaries are hereby fixed at one hundred and twenty-five dollars per month each during the time which they shall

Assessor  
and  
attachés.

3d class  
(Alameda),  
continued.

hold office, as hereinafter provided; one cashier, whose salary is hereby fixed at one hundred dollars per month during the time which he shall hold office, as hereinafter provided; one personal property tax collector, who shall hold office for the period of four months, as hereinafter provided, and at a compensation of one hundred dollars per month; and eight extra deputies, whose salaries are hereby fixed at one hundred dollars per month each during the time which they shall hold office, as hereinafter provided; *provided*, that the chief deputy, personal property tax collector, all other deputies, all copyists, and cashier herein provided for shall be appointed by the Assessor of said county; *provided further*, that the one chief deputy, one deputy, two poll tax or other deputies, five deputies, four copyists, seven outside field deputies, personal property tax collector, cashier, and eight extra deputies herein provided for shall be paid during the time which they shall hold office as herein provided, at the same time and in the same manner and out of the same fund as the salary of the Assessor; *provided further*, that the two poll tax deputies, five deputies, four copyists, seven outside field deputies, one personal property tax collector, and eight extra deputies herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; and the cashier herein provided for shall hold office from twelve o'clock meridian of the first Monday in March of each year up to twelve o'clock meridian of the first Monday of September of each year. *It is hereby further provided*, that in counties of this class the Assessor shall receive no commission for his collection of taxes on personal property, nor shall such Assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said Assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the Assessor be directed by any law, or by any order of the Board of Supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block books for the use of the county, or assessment rolls for the use of any municipality, then said Assessor shall only receive the actual cost by him incurred in making or preparing such maps, plats, block books, or assessment rolls; *and provided further*, that he shall file with the County Auditor a sworn statement, showing the persons to whom, and the amounts paid to each, for such maps, plats, block books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work.

District  
Attorney  
and  
assistants.

8. The District Attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the District Attorney one Chief Deputy District Attorney, whose salary is hereby fixed at two thousand dollars per annum; one Assistant District Attorney, whose



salary is hereby fixed at fifteen hundred dollars per annum; one Deputy District Attorney, whose salary is hereby fixed at twelve hundred dollars per annum, and one clerk, whose salary is hereby fixed at the sum of six hundred dollars per annum; *provided further*, that the Chief Deputy District Attorney, Assistant District Attorney, and Deputy District Attorney, and clerk shall be appointed by the District Attorney, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the District Attorney.

3d class  
(Alameda).  
continued.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

Coroner.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

Public Administrator.

11. The Superintendent of Schools, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the Superintendent of Schools one deputy, whose salary is hereby fixed at nine hundred dollars per annum; *provided*, that the said deputy shall be appointed by the Superintendent of Schools, and such salary shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Superintendent of Schools.

Superintendent of Schools.

12. The Surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the Surveyor is directed or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such County Surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the Board of Supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such County Surveyor shall file with the County Auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

Surveyor.

13. In all townships in counties of this class, the Justices of the Peace shall receive such fees as are now or may hereafter be allowed by law.

Justices of the Peace.

14. Constables, such fees as are now or may hereafter be allowed by law.

Constables

15. Each Supervisor, one hundred and twenty-five dollars per month, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

Supervisors.

3d class (Alameda) continued. Deputies. 16. All deputies and assistants hereinbefore provided shall be appointed by their respective principals, and the salaries of all deputies and assistants shall be paid in the same manner and out of the same fund as the salaries of their respective principals.

In force. 17. This section shall be in force and effect from and after the first Monday after the first day of January, eighteen hundred and ninety-nine, except subdivision six and one half, which said subdivision shall take effect sixty days after the passage of this Act; *provided*, that none of the provisions of this Act herein or elsewhere contained shall be construed as diminishing the fees, compensation, emoluments, or receipts of any incumbent or incumbents of offices of counties of the third class, but such provisions shall only be in force and effect as to the offices and officers enumerated in this section after said last named date, except as hereinabove provided.

4th class (Santa Clara); salaries and fees in. SEC. 161. In counties of the 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, nine 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, eight thousand dollars per annum.
4. The Auditor, four thousand dollars per annum.
5. The Treasurer, four thousand dollars per annum.
6. The Tax Collector, seven thousand dollars per annum, which shall include all fees and percentage as License Collector.
7. The Assessor, nine thousand five hundred dollars per annum, and the said Assessor may appoint one Deputy Assessor, which office of Deputy Assessor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.
8. The District Attorney, three thousand two hundred dollars per annum; and the said District Attorney may appoint one Assistant District Attorney and one Deputy District Attorney, which said offices of Assistant District Attorney and Deputy District Attorney are hereby created. The salary of such Assistant District Attorney is hereby fixed at eighteen hundred dollars per annum, and the salary of such Deputy District Attorney is hereby fixed at twelve hundred dollars per annum, such salaries to be paid at the same time and in the same manner as the salaries of other county officers.
9. The Coroner, six hundred dollars per annum.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; and the said Superintendent of Schools may appoint one Assistant Superintendent of Schools, which office of Assistant Superintendent of Schools is hereby created, who

shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

4th class  
(Santa  
Clara), con-  
tinued.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law; *provided*, that Justices of the Peace shall be allowed for their services no more than two thousand dollars in any one year from criminal fees; *provided, however*, that in townships containing a population of not less than twenty thousand and not more than forty thousand inhabitants, the Justice of the Peace shall be allowed a clerk at a salary of seventy-five dollars per month, which amount shall be allowed and paid out of the fees collected in addition to the said two thousand dollars allowed the Justices of the Peace of said townships in counties of this class. Said Justices of the Peace shall render an itemized account, under oath, on the first Monday of each month, to the Board of Supervisors, of all fees collected; *provided further*, that in counties of this class, in townships having a population of twenty thousand inhabitants and over, there shall be two Justices of the Peace.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, one thousand two hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat for each trip when attending the county seat upon official business, such mileage not to exceed forty-five dollars per month; and in counties of this class the members of the Board of Supervisors shall be ex officio road commissioners, and as such road commissioner shall be paid the sum of five hundred dollars per annum each.

16. Section one hundred and sixty-one of this Act shall go into effect from and after its passage.

In force.

SEC. 162. 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:

5th class  
(Sacra-  
mento);  
salaries  
and fees in.

1. The County Clerk, three thousand dollars per annum; he shall appoint one chief deputy at a salary of fifteen hundred dollars per annum, one additional deputy at a salary of nine hundred dollars per annum, and three court-room clerks at a salary of twelve hundred dollars each per annum. The salaries of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

2. The Sheriff, nine thousand dollars per annum, and one Deputy Sheriff at a salary of one thousand five hundred dollars, to be paid at the same time and in the same manner as other county officers are paid, being the same deputy allowed Sheriffs under and by virtue of section two hundred and sixteen of an Act entitled "An Act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three, and such fees and mileage as are now or hereafter may be provided by

5th class  
(Sacro-  
mento),  
continued.

law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken.

3. The Recorder, four thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, three thousand four hundred dollars per annum.

6. The Tax Collector, two thousand five hundred dollars per annum.

6½. The License Collector, one thousand eight hundred dollars per annum.

7. The Assessor, six thousand dollars per annum.

8. The District Attorney, three thousand six hundred dollars per annum. In counties of this class the District Attorney may appoint an Assistant District Attorney, which office is hereby created, who shall receive as compensation for his services the sum of fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time other county officials are paid. In counties of this class the District Attorney may appoint a clerk for service in his office, which office of clerk to the District Attorney is hereby created, and said clerk shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time other county officials are paid.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum.

12. The Surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the Board of Supervisors shall order, or the Assessor may require Assessor's map or block books, then the Surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law. 5th class  
(Sacramento),  
continued.

15. Each Supervisor, seventy-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month.

16. In counties of this class, the official reporters, not exceeding two, of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said cases tried in said court, each a monthly salary of one hundred and sixty-six and two-thirds dollars, payable out of the county treasury at the same time and in the same manner as the salary of other county officers; and for transcription of said notes, when required, the sum of ten cents per folio for the original, and five cents per folio for a copy, shall be paid the reporter making the transcription; *provided*, that said two official reporters herein designated shall perform all the services necessary in all the departments of said court, and when the departments shall require the services of a reporter at the same session it shall be the duty of the said two official reporters to furnish the extra reporter, and his compensation shall be paid by them, and shall not be a charge against the county. Said compensation for transcription in criminal cases to be allowed on the order of the court and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. It is further provided that in each civil case reported by the official reporter there shall be taxed as costs in the case, ten dollars per diem for each day of the trial thereof. Such per diem fee shall be paid to the clerk of the court in advance by the party requesting the services of the reporter, and where his services are requested by more than one party, then such fee shall be paid in equal proportions by each of said parties. All per diem fees so collected shall be paid by said clerk into the treasury of the county in which the case is tried.

17. All portions of this section referring to the salaries of the Sheriff, County Clerk, Surveyor, and reporters, shall take effect and be in full force from and after the passage of this Act. In force.

SEC. 163. In counties of the sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: 6th class  
(Sonoma);  
salaries  
and fees in.

1. The County Clerk, five thousand dollars per annum; *provided*, that he shall appoint one chief deputy at a salary of twelve hundred dollars per annum, and two court-room deputies at a salary of nine hundred dollars per annum each; the salaries of said three deputies shall be paid by said County Clerk out of said five thousand dollars compensation above named.

2. The Sheriff, six thousand two hundred dollars per annum; *provided*, that he shall appoint one Under Sheriff at a salary of fifteen hundred dollars per annum, and three Deputy Sheriffs at a salary of nine hundred dollars per annum each. The

6th class  
(Sonoma),  
continued.

salaries of said Under Sheriff and deputies shall be paid by said Sheriff out of said sixty-two hundred dollars compensation above named. The Sheriff shall also receive, as compensation 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, 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 writ of habeas corpus, or collecting taxes, in going only, twenty cents for each mile; *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, which distance shall, in all cases, be estimated by the nearest practicable route.

3. The Recorder, three thousand nine hundred dollars per annum; *provided*, that the Recorder shall appoint a chief deputy at a salary of one thousand two hundred dollars per annum, and two copyists at a salary of six hundred dollars per annum each, which salary of chief deputy and of said two copyists shall be paid by said Recorder out of said three thousand nine hundred dollars compensation above named.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum.

7. The Assessor, four thousand two hundred dollars per annum; *provided*, that the Assessor shall appoint eight Deputy Assessors at a salary of three hundred dollars per annum each, all of which deputies' salaries shall be paid by said Assessor out of said four thousand two hundred dollars compensation above named.

8. The District Attorney, two thousand four hundred dollars per annum, and one Assistant District Attorney at a salary of fifteen hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid; said Assistant District Attorney allowed in lieu of the Assistant District Attorney allowed by virtue of subdivision thirty-six of section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor shall receive one thousand five hundred dollars per annum for all work performed by the county, and in addition thereto all necessary and actual traveling expenses

incurred in connection with field work; *provided*, that whenever the Surveyor is directed by the Board of Supervisors to plat, trace, or otherwise prepare maps, plats, or block book for use of the County Assessor, he shall be allowed only the actual cost of preparing the same; *provided further*, that all fees now or which may be hereafter allowed by law, shall be paid into the county treasury for the benefit of the county.

6th class  
(Sonoma);  
continued.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, for all services required of them by law or by virtue of their office, must be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the court-house; *provided*, that only one mileage must be allowed at each term; *and provided further*, that no Supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; *provided*, that in no case shall the per diem of the Supervisors exceed eight hundred dollars each in one year.

16. In counties of this class the official reporter of each department of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for all preliminary examinations and other services rendered in court, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

SEC. 164. In counties of the seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

7th class  
(San Joaquin); salaries and fees in.

1. The County Clerk, three thousand five hundred dollars per annum.

2. The Sheriff, three thousand six hundred dollars per annum. The Sheriff shall also receive, for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the State outside of his county; and shall also receive his necessary expenses in all criminal cases.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

7th class  
(San Joa-  
quin), con-  
tinued.

5. The Treasurer, two thousand five hundred dollars per annum.

6. The Tax Collector, eight hundred dollars per annum, which shall be in full for all services as Tax Collector and License Collector.

7. The Assessor, two thousand two hundred dollars per annum.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz.: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty dollars per month; in townships having a population of not less than fifteen hundred nor more than two thousand, thirty dollars per month; in all townships having a population of less than fifteen hundred, fifteen dollars per month. Justices of the Peace in counties of this class shall also receive, for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz.: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty dollars per month; in townships having a population of not less than fifteen hundred nor more than two thousand, thirty dollars per month; in all townships having a population of less than fifteen hundred, fifteen dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law, for mileage in criminal cases, and shall also receive such fees as are now or hereafter may be allowed by law in civil cases.



15. Each member of the Board of Supervisors, nine hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board, and fifteen cents a mile mileage in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed.

7th class  
(San Joa-  
quin), con-  
tinued.

16. The County Clerk shall have one chief deputy at a salary of one thousand two hundred dollars per annum, two court-room deputies at a salary of nine hundred dollars per annum each; and deputies, or a deputy, for the purpose of registering electors and for other emergencies, to be paid not to exceed three dollars per diem each. The County Recorder, one deputy at a salary of one thousand two hundred dollars per annum, and two deputies at a salary of nine hundred dollars per annum each. The Treasurer, one deputy at a salary of one thousand five hundred dollars per annum. The Assessor, one office deputy at a salary of one thousand two hundred dollars per annum, and fifteen deputies to serve from the first Monday in March to the first Monday in July of each year, and shall each receive four dollars per day for each day they actually and necessarily attend to the duties of the office. The District Attorney, an Assistant District Attorney at a salary of fifteen hundred dollars per annum, and a Deputy District Attorney at a salary of nine hundred dollars per annum. The Sheriff, an Under Sheriff, who shall receive a salary of one thousand five hundred dollars per annum; a clerk, who shall receive a salary of nine hundred dollars per annum; a Deputy Sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs or court-room deputies, each of whom shall receive a salary of nine hundred dollars per annum; two jailers, who shall receive a salary of nine hundred dollars per annum each. All the deputies, assistants, and clerks herein mentioned shall be paid at the times and in the manner that their principals are paid, from and after the approval of this Act.

Deputies.

17. This Act, so far as it relates to Constables and Justices of the Peace in counties of the seventh class, shall take effect immediately.

In force.

SEC. 165. In counties of the eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

8th class  
(San Di-  
ego); sal-  
aries and  
fees in.

1. The County Clerk, seven thousand six hundred dollars per annum.
2. The Sheriff, eight thousand dollars per annum.
3. The Recorder, the fees now allowed by law pertaining to said Recorder's office; *provided*, that all books of record, printing, and stationery, shall be furnished and paid for by the Recorder out of his fees; the style and quality of the same to be approved by the Board of Supervisors.
4. The Auditor, five thousand five hundred dollars per annum.
5. The Treasurer, three thousand dollars per annum.
6. The Tax Collector, seven thousand dollars per annum, which shall include all fees and percentage as License Collector.

8th class  
(San  
Diego),  
continued.

7. The Assessor, four thousand dollars per annum, and such fees as are allowed by law.

8. The District Attorney, five thousand dollars per annum.

9. The Superintendent of Public Schools, twenty-five hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Coroner, such fees as are now or may be hereafter allowed by law.

12. The Surveyor, two thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law.

13. Constables, such fees as are now or may be hereafter allowed by law; *provided, however*, that no Constable shall be allowed in any one month, out of the county treasury, more than seventy-five dollars in misdemeanor cases.

14. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided, however*, that no Justice of the Peace shall be allowed in any one month, out of the county treasury, more than seventy-five dollars in misdemeanor cases.

15. Each member of the Board of Supervisors, five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law for services as road commissioners.

16. In counties of this class the official reporters of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and on all lunacy and preliminary examinations and Coroner's inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases and Coroner's inquests to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

9th class  
(Fresno);  
salaries  
and fees in.

SEC. 166. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of fifteen hundred dollars per annum, one at a salary of twelve hundred dollars, three deputies each at a salary of nine hundred and sixty dollars, and one at a salary of seven hundred and twenty dollars per annum.

2. The Sheriff, six thousand dollars per annum, and all fees for service of process issued without his county. He shall have an Under Sheriff whose annual salary shall be fifteen hundred dollars, two deputies whose annual salary shall be twelve

hundred dollars each, and four deputies whose annual salary shall be nine hundred dollars each.

9th class  
(Fresno),  
continued.

3. The Recorder, two thousand dollars per annum. He shall have one deputy whose salary shall be twelve hundred dollars per annum, and two deputies who shall each receive nine hundred and sixty dollars per annum. He shall have such copyists as are necessary to perform the duties of the office, at a compensation not to exceed six cents per folio.

4. The Auditor, two thousand dollars per annum, and one clerk at a monthly salary of eighty dollars. The Auditor shall also have one deputy, at an annual salary of twelve hundred dollars.

5. The Treasurer, two thousand five hundred dollars per annum. He shall have a deputy at a salary of twelve hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum. He shall have one deputy, who shall receive twelve hundred dollars per annum, and three deputies, each at an annual salary of nine hundred and sixty dollars.

7. The Assessor, two thousand five hundred dollars per annum. He shall have one deputy at a salary of nine hundred and sixty dollars per annum, and six deputies whose per diem shall be four dollars each, when actually employed between the first Monday in March and the first Monday in June.

8. The District Attorney, three thousand dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars, and one deputy at a salary of twelve hundred dollars, per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars. The Superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The Surveyor, two thousand dollars per annum, and his actual expenses when at work in the field. He shall have one deputy at a salary of seventy-five dollars per month. The salary herein provided for Surveyor shall not apply to the current term of office.

13. Justices of the Peace, the fees allowed by law.

14. Constables, the fees allowed by law.

15. Each Supervisor, six dollars per day when the board is necessarily in session, and twenty cents for each mile traveled by the ordinary route in going from his residence to the county seat, once during each meeting. When traveling by order of the board upon county business, each Supervisor shall be allowed his actual itemized expenses. For all services as road commissioner each Supervisor shall receive not to exceed five hundred dollars per annum, but for all services rendered by

9th class  
(Fresno),  
continued.

virtue of his office, including mileage, no Supervisor shall be allowed more than fifteen hundred dollars in any one year.

16. The official reporters of the Superior Court, in counties of this class, shall receive as full compensation for taking notes, when his services are demanded in civil cases, and in all criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury, in the same manner as salaries of county officers are paid. For transcription of said notes, when required, he shall receive ten cents per folio for the original, and five cents per folio for a copy. The compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct. When the services of the reporter are demanded in any civil matter, the clerk shall collect, each day, in advance, five dollars from the party demanding the same, and shall pay the same into the county treasury on the first Monday of each month.

10th class  
(San Bernardino);  
salaries  
and fees in.

SEC. 167. 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 three hundred dollars per annum, and the sum of five hundred dollars for making great register.
2. The Sheriff, five thousand three hundred dollars per annum and all commissions, fees, and mileage, for the service of papers or process coming from courts other than those of his own county.
3. The Recorder, fifteen hundred dollars per annum; six cents per folio for recording.
4. The Auditor, one thousand eight hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. Tax Collector, three thousand two hundred dollars per annum; *provided, however*, that in counties of this class, the Tax Collector shall receive no fees or commissions for the collection of licenses.
7. The Assessor, five thousand five hundred dollars per annum; *provided, however*, that the percentage received by the Assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of other classes, is allowed to the Assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.
8. The District Attorney, three thousand dollars per annum; *provided*, that this salary shall include the compensation of an assistant, or of deputies, if any.
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 for full services, including attendance on the County Board of Education, one thousand five hundred dollars and actual traveling expenses.

12. The Surveyor, one thousand five hundred dollars per annum, and in addition thereto, all necessary expenses, and transportation on work performed in the field.

13. The Justices of the Peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand and over, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars per month; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; in townships having a population of eight hundred and less than one thousand, twenty dollars per month; in townships having a population of five hundred and less than eight hundred, fifteen dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to above salaries, each Justice of the Peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

14. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand and more, one hundred dollars per month; in townships having a population of fifteen hundred and less than five thousand, sixty dollars per month; in townships having a population of one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of eight hundred and less than one thousand, thirty dollars per month; in townships having a population of five hundred and less than eight hundred, fifteen dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

The population of townships shall, for the purpose of this section, be determined by multiplying the vote for Governor, cast in each township, at the next preceding election, by five.

15. The Supervisors, each the sum of six hundred dollars per annum, and twenty cents per mile one way for attending session of the board; *provided*, that he shall not receive in any one year more than five hundred dollars for said mileage.

10th class  
(San Bernardino),  
continued.

10th class  
(San Bernardino),  
continued.

Each Supervisor shall receive for his services as road commissioner, twenty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not receive in any one year more than five hundred dollars.

16. The official reporter of each department of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and when requested by a Justice of the Peace or Coroner, in preliminary examinations, or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; and for transcription of said notes, when required, they shall receive the sum of ten cents per folio for the original and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

In force.

17. All portions of this section referring to the salaries of Surveyor, Justices of the Peace, Constables, and mileage of Supervisors, shall take effect and be in full force from and after the passage of this Act.

11th class  
(Hum-  
boldt): sal-  
aries and  
fees in.

SEC. 168. In counties of the eleventh 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 following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, two thousand four hundred dollars per annum; *provided*, that such Recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than four hundred dollars in any month, the Recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of four hundred dollars in any month so collected. But the amount of fees thus received by the Recorder for his own use, plus his salary, shall not exceed the sum of four thousand dollars in any one year.
4. The Auditor, one thousand two hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, two thousand eight hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, two thousand dollars per annum; *provided*, that when authorized by four-fifths vote of the Board

of Supervisors, the District Attorney shall appoint an Assistant District Attorney, which office is hereby created, who shall receive as compensation for his services, fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner as other county officials are paid, except as otherwise herein provided.

11th class  
(Humboldt), con-  
tinued.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, fifteen hundred dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.

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, each the sum of six hundred dollars per annum, and actual mileage, not to exceed in any one year the sum of one hundred dollars. Each Supervisor shall receive for his services as road commissioner, twenty cents per mile one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not receive in any one year more than five hundred dollars. This Act, as far as it relates to the compensation of Supervisors as road commissioners, shall take effect immediately after the passage of this Act.

16. In counties of the eleventh class the official reporter of the Superior Court shall receive for attending court, taking notes and reporting cases tried therein, a salary of one hundred and eighty dollars per month, payable at the same time and in the same manner as the salary of other county officers, and for transcription of notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for copies; the compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct.

This Act, so far as it relates to the salaries of county and township officers in the counties of the eleventh class, shall take effect on the first day of January, eighteen hundred and ninety-nine; *provided, also*, that this Act, so far as it relates to the reporter of the Superior Court in counties of the eleventh class, shall take effect immediately.

In force.

SEC. 169. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

12th class  
(Solano);  
salaries  
and fees in.

1. The County Clerk, three thousand dollars per annum, and when a great register of voters is ordered he shall receive five hundred dollars additional, which shall be in full for all

12th class (Solano), continued. services rendered in registering voters and making the great register.

2. The Sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the services of all papers whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

3. The Recorder, twenty-two hundred and fifty dollars per annum.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, five hundred dollars per annum.

11. The Superintendent of Schools, fifteen hundred dollars per annum, and his actual necessary traveling expenses while visiting schools.

12. The Surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

13. Justices of the Peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having



a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

12th class  
(Solano);  
continued.

For the purposes of this Act the basis of calculation for fixing the compensation of the Justices and Constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this Act, said census may become the basis of calculation.

15. Each member of the Board of Supervisors, six hundred dollars for all services rendered, and including mileage; *provided*, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses.

16. The official court reporter, for all services required of him in the Superior Court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the Superior Court, when required, seven cents per folio for original and four cents per folio for copies, to be paid for when completed, by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the Superior Court, when the judge orders the notes transcribed, the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect, each day, in advance, two dollars and fifty cents from each side of the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceeding in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in such cases.

17. Members of the County Board of Education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

SEC. 170. 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, and fees in.

13th class  
(Tulare);  
salaries  
and fees in.

- to wit:
1. The County Clerk, four thousand dollars per annum.
  2. The Sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes

13th class  
(Tulare),  
continued.

required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

3. The Recorder, one thousand six hundred fifty dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid by the County Treasurer out of the county treasury.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, three thousand six hundred dollars per annum; *provided*, that as such Tax Collector, or as ex officio License Collector, he shall not have or receive any compensation for, or percentage upon, the collection of any license.

7. The Assessor, three thousand six hundred dollars per annum.

8. The District Attorney, three thousand two hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. The Justice of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that the fees and compensation of any Justice of the Peace in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed nine hundred forty dollars for any one year.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that the fees and compensation of any Constable in criminal cases or proceedings to which the people of the State of California are or may be made a party shall not exceed nine hundred dollars for any one year.

15. Each Supervisor, one thousand dollars per annum, for all services performed by them as Supervisors, and members of the board of equalization, and as road commissioner.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered

by the judge, by either party, or jointly by both parties, as the court may direct. Whenever the services of a reporter are demanded in a civil action or proceeding, he shall collect in advance from the parties thereto, and pay into the county treasury, the sum of five dollars for each day's services in taking notes. <sup>13th class (Tulare), continued.</sup>

No fees shall be allowed the Sheriff or Tax Collector for collecting licenses in counties of this class. This section shall take effect immediately. <sup>In force.</sup>

SEC. 171. In counties of the fourteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, <sup>14th class (Butte); salaries and fees in.</sup> to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand two 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 five hundred dollars per annum.
8. The District Attorney, twenty-four hundred dollars per annum; Assistant District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law, not to exceed the sum of eighty dollars per month.

15. Each member of the Board of Supervisors, ten dollars per day, not exceeding six working days each month, at any regular session, and ten dollars per day while sitting as a board of equalization, or in special sessions, not to exceed fifteen working days in any one year, and mileage when acting as road commissioner, twenty-five cents per mile, one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

This section shall take effect and be in force on and after January first, eighteen hundred and ninety-nine. <sup>In force.</sup>

SEC. 172. In counties of the fifteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, <sup>15th class (Santa Cruz); salaries and fees in.</sup> to wit:

1. The County Clerk, twenty-five hundred dollars per annum.
2. The Sheriff, thirty-five hundred dollars per annum.

15th class  
(Santa  
Cruz), con-  
tinued.

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, fifteen hundred dollars per annum.
7. The Assessor, eighteen hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum; no deputies.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, fees as are now or may hereafter be allowed by law.
14. Constables, fees as are now or may hereafter be allowed by law.
15. Each member of the Board of Supervisors, six hundred dollars per annum, which shall be in full for all services rendered, including mileage.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of eighty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of six cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay for all deputies and copyists that may be needed in their respective offices whenever the same are allowed.

16th class  
(Nevada);  
salaries  
and fees in.

SEC. 173. 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 offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, thirty-two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, twenty-five hundred dollars per annum.
6. The Tax Collector, six hundred and fifty dollars per annum.
7. The Assessor, fifty-five hundred dollars per annum.

8. The District Attorney, twenty-five hundred dollars per annum. 16th class (Nevada), continued.

9. The Coroner, such fees, as are now or may be hereafter allowed by law.

10. The Public Administrator, four hundred dollars per annum.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat, which shall be full compensation for all services as Supervisor and road overseer; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

16. In counties of this class, the official reporter of the Superior Court, such fees as are now or may be hereafter allowed by law.

SEC. 174. 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 offices, the following salaries, 17th class (Mendocino); salaries and fees in. to wit:

1. The County Clerk, two thousand dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, sixteen hundred dollars per annum.

4. The Auditor, fifteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector and License Collector, two thousand dollars per annum, which shall be in full for all services as Tax and License Collector.

7. The Assessor, fifteen hundred dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, sixteen hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, five hundred dollars per annum and ten cents per mile mileage in traveling to and from his residence to the county seat, and for his services as road commissioner he shall receive twenty cents per mile, one

17th class  
(Mendo-  
cino), con-  
tinued.

way, for all distances actually traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner. This Act, as far as it relates to the compensation of Supervisors as road commissioners, shall take effect immediately after the passage of this Act.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of sixty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

18th class  
(Mon-  
terey); sal-  
aries and  
fees in.

SEC. 175. 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 offices, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, thirty-five hundred dollars per annum. The Sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions, and mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the State outside of his county.
3. The Recorder, twenty-nine hundred dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum and five per cent on all licenses collected by him as License Collector.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, sixteen hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law. 18th class (Monterey), continued.

15. The Supervisors, each the sum of five dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

SEC. 176. 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, 19th class (San Luis Obispo); salaries and fees in. to wit:

1. The County Clerk, four thousand dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand eight hundred dollars per annum, and one clerk at a salary not to exceed fifty dollars per month.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum.

7. The Assessor, four thousand dollars per annum.

8. The District Attorney, fifteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the Surveyor is directed by the Assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the County Assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; *provided*, that not more than one mileage for one session of the board shall be allowed. For serving as road commissioner, two hundred dollars per annum.

SEC. 177. In counties of the twentieth class the county officers shall receive, as compensation for the services required of them by law by virtue of their office, the following salaries, 20th class (Placer); salaries and fees in. to wit:

1. The County Clerk, three thousand two hundred and fifty dollars per annum.

20th class  
(Placer),  
continued.

2. The Sheriff, six thousand dollars per annum.
3. The Recorder, two thousand two hundred and fifty dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, four thousand two hundred and fifty dollars per annum.
8. The District Attorney, two thousand two hundred and fifty dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. Superintendent of Schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses, not to exceed three hundred dollars per annum.
12. The Surveyor shall receive a per diem of ten dollars for all work performed for the county, and, in addition thereto, all necessary expenses and transportation on work performed in the field.
13. The Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the Board of Supervisors for services in criminal actions or proceedings other than felonies, shall not exceed seventy-five dollars for any one quarter.
15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed more than once a month.
16. In counties of this class, the official reporter shall receive a salary of one hundred and fifty dollars per month, payable monthly, and in the same manner and at the same time as other county officers are paid, which salary shall be in full compensation for all services, both per diem and transcription, required of him in the Superior Court and in the Justices' Courts of the county in examinations, and before the Coroner in homicide cases. It shall be his duty to attend all examinations in the Justice's Court, and before the Coroner in homicide cases, when not engaged in the Superior Court. He shall collect and monthly pay into the county treasury ten dollars per day for taking notes, and fifteen cents per folio for transcriptions in civil cases. He shall receive his actual traveling expenses while attending Justice's Court and before the Coroner. This subdivision shall take effect immediately.

21st class  
(River-  
side); sal-  
aries and  
fees in.

SEC. 178. In counties of the twenty-first class county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, three thousand two hundred dollars per annum; *provided*, that in years when a great register is ordered



the County Clerk shall receive in addition to his regular salary the sum of five hundred dollars for such service.

2. The Sheriff, forty-three hundred dollars per annum, and all commissions, fees, and mileage for the services of papers or process coming from courts other than those of his own county.

21st class  
(River-  
side), con-  
tinued.

3. The Recorder, twelve hundred dollars per annum, and five cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid out of the county treasury, and which payment shall be in full for all services, including the recording of mining claims.

4. The Auditor, two thousand two hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, twenty-five hundred dollars per annum.

7. The Assessor, thirty-eight hundred dollars per annum, which shall be in full for all work in his office, and for his field deputies.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum, including services on board of education. His office shall be kept open on all business days from two to five P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county.

12. The Surveyor, fifteen hundred dollars per annum, and his actual traveling expenses when in the field. He shall receive eight dollars per day when engaged in official work other than county business.

13. Justices of the Peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the Auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In

21st class  
(River-  
side), con-  
tinued.

addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the Coroner's office which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner in similar cases.

14. Constables shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars a month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided further*, that in addition to the salary herein allowed, each Constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each Constable may receive for his own use in civil cases the fees allowed by law.

14½. The population of the several judicial townships shall be ascertained by the Board of Supervisors by multiplying the vote of presidential electors cast in each township at the next preceding general election by five.

15. Each Supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; *provided*, that not more than four mileages shall be allowed in any one month. When serving as road commissioner, such fees as are now or may be hereafter allowed by law.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of eighty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for copies of transcriptions of said notes, when required, he shall receive the sum of five cents per folio for the original, and five cents per folio for each copy. Said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same,

or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

All portions of this section referring to the salaries of Recorder, Surveyor, Justices of the Peace, Constables, Court Reporter, and mileage of Supervisors, shall take effect and be in full force from and after the passage of this Act.

Sec. 179. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the County Clerk a court-room deputy, who shall be appointed by the County Clerk, and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the County Clerk is paid.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, two thousand eight hundred dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the Assessor one deputy, for a period of four months during each fiscal year, who shall be appointed by said Assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the Assessor is paid.

8. The District Attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the District Attorney a deputy, who shall be appointed by said District Attorney, and he shall be paid the following salary, to wit: fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the District Attorney is paid.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter

21st class  
(River-  
side), con-  
tinued.

In force.

22d class  
(Santa  
Barbara);  
salaries  
and fees in.

23d class  
(Santa  
Barbara),  
continued.

allowed by law; *provided*, that Constables of townships containing five thousand inhabitants or more, shall be allowed as additional compensation a salary of fifty dollars per month, payable at the same time and in the same manner as the salaries of other county officials are paid.

15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

23d class  
(Napa);  
salaries  
and fees in.

SEC. 180. In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit:

1. The County Clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county when ordered by Board of Supervisors.

2. The Sheriff, five thousand dollars per annum, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for service of papers issued out of any civil case in his own county.

3. The Recorder, two thousand dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, thirty-two hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, sixteen hundred dollars per annum, and actual traveling expenses when visiting the schools in the county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. For the purpose of regulating the compensation of Constables, townships in this class of counties are hereby classified

according to their population, as shown by the federal census of eighteen hundred and ninety, as follows: Townships having a population of five thousand or more, shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand, shall belong to and be known as townships of the third class; and townships having a population of less than one thousand, shall belong to and be known as townships of the fourth class. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars. In addition to the monthly salaries herein allowed, each Constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the Board of Supervisors, and paid out of the county treasury. The provisions of this subdivision, so far as townships of the first and second classes are concerned, shall take effect and be in force sixty days from and after the passage of this Act, and so far as townships of the third and fourth classes are concerned, shall take effect and be in force from and after the first day of January, eighteen hundred and ninety-nine.

23d class  
(Napa),  
continued.

In force.

15. Each Supervisor, five dollars per day when the board is in session, and twenty cents per mile, in going only, for traveling from his residence to the county seat; and when serving as road commissioner, five dollars per day and actual traveling expenses. But he shall not in any one year receive more than three hundred dollars as Supervisor, exclusive of mileage, or more than two hundred dollars as road commissioner, exclusive of actual traveling expenses.

Sec. 181. 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:

24th class  
(Yolo);  
salaries  
and fees in.

1. The County Clerk, three thousand dollars per annum, and when a new great register of voters is ordered, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The Sheriff, four thousand five hundred dollars per annum.

3. The Recorder, two thousand five hundred dollars per annum.

24th class  
(Yolo),  
continued.

4. The Auditor, one thousand two hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, twenty-three hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The County Surveyor shall receive as compensation eight dollars per day for all personal work performed for the county, and in addition thereto all necessary expenses and transportation on work performed in the field.

13. Justices of the Peace, the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of two thousand five hundred and more, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars; in townships having a population of one thousand and less than one thousand five hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred or more, seventy dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one Constable,

the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single Constable in such township. 24th class (Yolo), continued.

14½. The Supervisors of counties of this class shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this Act, in proportion to their duties.

15. Each Supervisor, five hundred dollars per annum and thirty cents per mile for traveling from his residence to the county seat.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the District Attorney in preliminary examinations and inquests, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases, preliminary examinations, and inquests, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 182. In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, 25th class (Kern); salaries and fees in. to wit:

1. The County Clerk, five thousand dollars per annum.
2. The Sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this State outside of his own county.
3. The Recorder, sixteen hundred dollars per annum and seven cents for each folio recorded.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, three thousand dollars per annum.
7. The Assessor, five thousand dollars per annum.
8. The District Attorney, four thousand dollars per annum; *provided*, that he shall be disqualified from engaging in any cause or action to which the county or State is not a party.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum, which shall include his services as member of the board of education.

25th class  
(Kern),  
continued.

12. The Surveyor shall receive twelve hundred dollars per annum and traveling and official expenses in the county.

13. In counties of this class the township officers shall receive the following compensations, to wit: In townships having a population of four thousand, Justices of the Peace shall receive a monthly salary of one hundred and twenty-five dollars, and Constables a monthly salary of one hundred and twenty-five dollars; the above-named salaries shall be in full compensation for all services of said Justices of the Peace in both civil and criminal cases, and all fees allowed by law for the services of such officers in civil cases shall be paid into the county treasury as the fees of county officers are paid in, but Constables may retain for their own use the fees allowed by law in civil cases. In townships having a population of nine hundred and less than four thousand, each Justice of the Peace and each Constable shall receive such fees as are now or may hereafter be allowed by law, not exceeding in any one month the sum of one hundred dollars in criminal cases. In townships containing a population of less than nine hundred, each Justice of the Peace and each Constable shall receive the fees that are now or may hereafter be allowed by law, not exceeding in any one month the sum of forty dollars in criminal cases. The Supervisors of counties of this class shall ascertain and determine, on or before the first day of June, eighteen hundred and ninety-seven, the population of the several townships in the county.

14. Each Supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

26th class  
(Contra  
Costa);  
salaries  
and fees in.

SEC. 183. In counties of the twenty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, thirty-two hundred and fifty dollars per annum.

2. The Sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; also, for expenses in all criminal cases and all fees for service of papers in actions arising outside of his county.

3. The Recorder, thirty-two hundred and fifty dollars per annum.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, eighteen hundred dollars per annum.

7. The Assessor, thirty-two hundred and fifty dollars per annum.

8. The District Attorney, twenty-five hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, eighteen hundred dollars



per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law. 26th class (Costa), continued.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables of townships numbers one, two, eight, and ten, forty dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of townships number five, twenty-five dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of townships numbers three, four, six, and nine, twenty dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases.

Constables of township number seven, ten dollars per month, their actual traveling expenses, half the fees in criminal cases, and such fees as are now or may hereafter be allowed by law in civil cases; *provided, however,* that no Constable shall be allowed in any one month, out of the county treasury, more than fifty dollars in misdemeanor cases.

15. Each member of the Board of Supervisors, three hundred dollars per annum; and as road commissioner, three hundred dollars per annum.

16. The compensation herein provided for Constables shall take effect immediately and affect incumbents. In force.

SEC. 184. In counties of the twenty-seventh class the county officers shall receive, as compensation for services required of them by law or by virtue of their offices, the following salaries and fees, to wit: 27th class (Orange), salaries and fees in.

1. The County Clerk, thirteen hundred dollars per annum; *provided,* that in counties of this class there shall be two Deputy County Clerks, who shall be appointed by the County Clerk. The salary of one of said Deputy County Clerks shall be seven hundred and twenty dollars per annum, and the salary of the other of said Deputy County Clerks shall be five hundred forty dollars per annum; said salaries of said Deputy County Clerks to be payable at the same time and in the same manner and out of the same fund as the salary of the County Clerk.

2. The Sheriff, three thousand nine hundred dollars per annum.

3. The Recorder, twenty-five hundred dollars per annum.

4. The Auditor, fifteen hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum; *provided,* that when the duties of the office of Treasurer and Tax Collector are consolidated, as provided in section fifty-five of this Act, that the full compensation of said office of Treasurer and Tax Collector for such consolidated duties shall be twenty-five hundred dollars per annum.

27th class  
(Orange),  
continued.

7. The Assessor, fifteen hundred dollars per annum; *provided*, that in counties of this class there shall be five field Deputy Assessors, who shall be appointed by the Assessors of said county, and who shall hold office from twelve o'clock meridian of the first Monday of March of each year, up to twelve o'clock meridian of the first Monday in July of each year. The salary of each of said five Deputy Assessors herein provided for, is hereby fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the Assessor.

8. The District Attorney, fifteen hundred dollars per annum. No Assistant District Attorney shall be appointed in counties of the twenty-seventh class.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The Surveyor, eight dollars per day while actually employed by the county.

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, four hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board; *provided*, that not more than four mileages in any one month shall be allowed.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes, when his services are demanded, in civil cases, and in all criminal cases and matters tried or heard in said court, and, when requested by the District Attorney, for preliminary examinations in Justice's Court, and inquests, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive not to exceed the sum of ten cents per folio for the original, and not to exceed five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. It is further provided that in each civil case reported by the official reporter there shall be taxed as costs in the case seven dollars and fifty cents per diem for each day of the trial thereof. Such per diem fee shall be

paid to the clerk of the court in advance by the party requesting the service of the reporter, and where his services are requested by more than one party, then such fees shall be paid in equal proportions by each of said parties. All per diem fees so collected shall be paid by said clerk into the treasury of the county in which the case is tried.

27th class  
(Orange),  
continued.

SEC. 185. 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 offices, the following salaries, to wit:

28th class  
(Siskiyou):  
salaries  
and fees in.

1. The County Clerk, twenty-four hundred dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twenty-four hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the Board of Supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat.
16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

29th class  
(Shasta);  
salaries  
and fees in.

SEC. 186. 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 offices, the following salaries, to wit:

1. The County Clerk, eighteen hundred dollars per annum.
2. The Sheriff, fifty-one hundred (5,100) dollars per annum, which includes the fifteen hundred dollars heretofore allowed the Under Sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as License Collector.
3. The Recorder, twenty-eight hundred dollars per annum, in full of all services, including filing or recording mining location notices.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twelve hundred dollars per annum, and he is hereby allowed in addition thereto five deputies, to be appointed by him, who shall each receive five dollars per day, for not exceeding three months in any calendar year, while engaged in the performance of their duties.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the Supervisors of the county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; and *provided further*, that it shall be the duty of the Board of Supervisors of counties of this class to so employ him.
13. In counties of this class Justices of the Peace may, for their own use, collect the following fees, and no other:

Justices'  
fees.

Each Justice of the Peace shall be allowed, in a civil action before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For all services in a criminal action or proceeding, whether on examination or trial, four dollars.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar. 29th class  
(Shasta),  
continued.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents. Justices'  
fees.

For celebrating a marriage and returning a certificate thereof to the County Recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before the Justice of the Peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of Coroner, when the Coroner fails to act, the same fees and mileage as are allowed the Coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued, not otherwise provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

14. In counties of this class, Constables shall receive:

For serving summons and complaint, for each defendant served, fifty cents. Constables'  
fees.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writ and other papers, except summons, complaint, and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

29th class  
(Shasta),  
continued.  
Constables'  
fees.

For serving any writ, notice, or order, except summons, complaint, or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering Constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in going only, twenty-five cents; *provided*, that a Constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For conveying prisoners to county jail, traveling expenses.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, ten cents.

For each day's attendance in court in civil and criminal cases, three dollars per day.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, two dollars.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of such transportation.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

County officers must, and township officers may, demand the payment of all fees in civil cases in advance.

Fees in  
advance.

In force.

In counties of this class Justices of the Peace and Constables shall be entitled to collect and receive the fees provided in this section, from and after the passage of this Act.

Supervis-  
ors.

15. Each member of the Board of Supervisors, five hundred dollars per annum and ten cents per mile in going from residence to the county seat.

Reporter.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly

salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

29th class  
(Shasta),  
continued.

SEC. 187. In counties of the thirtieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

30th class  
(Ventura);  
salaries  
and fees in.

1. The County Clerk, two thousand seven hundred dollars per annum.

2. The Sheriff, four thousand dollars per annum. Also, the following fees, to be audited and paid as other county charges: For serving warrant of arrest, two dollars; for every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or to jail, the actual cost of transportation.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand five hundred 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 two hundred dollars per annum.

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that such traveling expenses shall be allowed and paid as other county charges, and shall not exceed ten dollars per district for the districts actually visited in any calendar year.

12. The County Surveyor shall receive one thousand eight hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work.

13. Justices of the Peace, fees as follows: In a civil action before him, for all services to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and twenty-five cents for each hour after the first six

Justices'  
fees.

30th class  
(Ventura),  
continued.

Justices'  
fees.

hours actually engaged in such trial; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For copies of papers on docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For certificate, and transmitting transcript and papers on appeal, two dollars.

For celebrating a marriage, and returning a certificate thereof to the County Recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; and twenty-five cents for each hour after the first six hours actually engaged in the trial or hearing of such action or proceeding.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For taking bail after commitment by another magistrate, fifty cents.

For all service connected with the posting of estrays, one dollar.

In cases before the Justice of the Peace, when the venue shall be changed, the justice before whom the action shall be brought, for all service rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fee as if the action had been commenced before him.

For performing the duties of Coroner, when the Coroner fails to act, the same fees and mileage as are allowed the Coroner in like cases.

For issuing each process, writ, or order, or paper required by law to be issued not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For taking and approving bonds or undertaking, including the justification of sureties, fifty cents.

*Provided*, that no Justice of the Peace, in counties of this class, shall receive, in any one month, more than seventy-five dollars in misdemeanor criminal cases; *provided further*, that each Justice of the Peace shall file with the County Auditor, on or before the first Monday in each month, a statement of all fines collected by him the preceding month, and shall pay into the county treasury the amount due the county on account of such fines. No claim of a Justice of the Peace shall be allowed



by the Board of Supervisors for any month until such statement and payment are made.

14. Constables, fees as follows: For serving summons and complaint, for each defendant served, fifty cents.

30th class  
(Ventura),  
continued.  
Constables'  
fees.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar and fifty cents.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs or other papers, except summons, complaint, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, five cents per folio may be charged by him.

For serving any writ, notice, or order, except summons, complaint, or subpoenas, for each person served, fifty cents.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering Constable's deed, two dollars.

For each mile actually and necessarily traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, twenty cents per mile. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going and returning from place of arrest, ten cents; *provided*, that for traveling in the performance of two or more official service at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner, except on a charge of vagrancy, and bringing him into court, two dollars.

For arresting a person on a charge of vagrancy, and bringing him into court, twenty-five cents.

30th class  
(Ventura),  
continued.  
Constables'  
fees.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of transporting such prisoners, and mileage at fifteen cents per mile in going only; *provided*, that in traveling to the county jail with two or more prisoners, but one mileage shall be charged.

For making sales of estrays in civil cases, the same fees as for sales on execution.

For commissions for receiving and paying over money on execution or other process when lands or personal property have been levied on and sold, on the first thousand dollars, one and one half per cent; on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for advertising, and 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 serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants, three dollars.

For attending court, twenty-five cents for each hour in excess of ten hours actually engaged in attending the trial of the case or upon the examination of a criminal charge before a magistrate.

*Provided*, that in counties of this class no Constable shall receive, in any one month, more than one hundred dollars for all services in misdemeanor criminal cases.

Super-  
visors.

15. Each Supervisor, six dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat. For services as road commissioner, four dollars per day, not to exceed one hundred and fifty dollars per annum.

Reporter.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court, and for taking notes of the proceedings and testimony at all Coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required, by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and Coroner's inquests and examinations of persons charged with being of unsound mind to be

audited and allowed by the Board of Supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the Board of Supervisors as are other county charges.

Sec. 188. 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:

\$1st class  
(Calaveras);  
salaries  
and fees in.

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum, and a deputy at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury; *provided*, that no fees or compensation other than the compensation provided for in this section be allowed the Sheriff or Tax Collector for the collection of licenses in counties of this class.

7. The Assessor, two thousand dollars per annum, and two deputies at a salary of five dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

8. The District Attorney, one thousand four hundred dollars per annum, and twenty-five dollars for every conviction in any court, not exceeding five hundred dollars in any one year.

9. The Coroner, such fees are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, six hundred dollars, and twenty cents per mile traveling to county seat, which shall be in full com-

compensation for all services, both as Supervisor and Road Commissioner; *provided*, that in case the said Supervisors shall not serve as road commissioners, then the salary for Supervisor shall be four hundred dollars per annum.

32d class  
(Amador):  
salaries  
and fees in.

SEC. 189. In counties of the thirty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the Sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided further*, that the Sheriff shall also receive, for his own use and benefit, the mileage, fees, and commission for all service of all papers whatsoever issued by any court of the State outside of his county.

3. The Recorder, one thousand eight hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum; *provided*, as License Collector, he shall, in addition, be entitled to receive and retain for his own use and benefit, ten per centum on all licenses collected by him.

7. The Assessor, one thousand eight hundred dollars per annum, and one deputy at not to exceed five dollars per day for not more than one hundred and twenty-five days in any year, to be paid out of the county treasury.

8. The District Attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. And if the Board of Supervisors provide that he shall not engage in teaching, then he shall receive one thousand two 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 may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law. 32d class (Amador), continued.

15. Each Supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

16. In counties of this class the official reporter of the Superior Court shall receive for his services in taking notes in civil and criminal cases tried in said courts and in examinations for committal to the asylum for the insane, such fees as may be allowed by the court. The official reporter, for services in taking notes in inquests before the Coroner and examinations before magistrates, such fees as may be allowed by the Board of Supervisors. For transcription of notes, in either of the above cases, when required, the official reporter shall receive not exceeding ten cents per folio for the original and not exceeding five cents per folio for a copy. Said compensation for taking notes and transcribing the same in criminal cases and in cases in which the county may be a party, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party to an action or proceeding, when and in such proportion as the court may direct. Fees for transcription of notes in cases or proceedings in the Superior Court shall be fixed by the court, and for transcription of notes in inquests before the Coroner, or examinations before magistrates, shall be fixed by the Board of Supervisors.

The provisions of this section shall take effect immediately, except as to subdivision three thereof, which subdivision shall take effect on the first Monday after the first day of January, eighteen hundred and ninety-nine. In force.

SEC. 190. In counties of the thirty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: 33d class (El Dorado); salaries and fees in.

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as License Collector.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.

33d class  
(El Dorado), con-  
tinued.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, four hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

34th class  
(Stanislaus); sal-  
aries and  
fees in.

SEC. 191. In counties of the thirty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand seven hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The Recorder, one thousand six hundred dollars per annum; *provided*, that such Recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the Recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected. But the amount of fees thus received by the Recorder for his own use, plus his salary, shall not exceed the sum of two thousand two hundred dollars in any one year.

4. The Auditor, sixteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand eight hundred dollars per annum; *provided*, that the Assessor shall annually revise the plats of his office and prepare the military roll at his own cost and expense. All portions of this section referring to the revision of the Assessor's plats and to preparing the military roll shall take effect from and after the passage of this Act.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand two hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses when visiting the schools of his county, which expenses shall not exceed the sum of five hundred dollars in any one year. In the event that said Superintendent of Schools shall appoint a deputy, or Commissioner of Schools, the same shall be at his own cost and expense.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, each the sum of six hundred dollars per annum for all services performed by them as Supervisors, and members of the board of equalization and road commissioners, including mileage; *provided*, that each Supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning once during each meeting. Each Supervisor shall be allowed his actual expenses while supervising the roads of his district, not exceeding ten dollars in any one month.

This Act, so far as it relates to the compensation of Supervisors, and to their compensation as road commissioners in counties of the thirty-fourth class, shall take effect immediately after its passage. In force.

16. The official reporter of the Superior Court, in counties of the thirty-fourth class, shall receive as full compensation for taking notes when his services are demanded in civil cases, and in criminal cases tried in said court, and when requested by a Justice of the Peace, Coroner, or District Attorney in preliminary examinations, or inquests, a salary of one thousand five hundred dollars per annum, payable in equal monthly installments, out of the county treasury at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside of the county seat. When the services of the reporter are demanded in any civil matter, there shall be taxed as costs in the case eight dollars per diem for each day of the trial thereof, to be paid to the clerk of the court in advance, one half by each side. For transcription of said notes in criminal cases and in civil cases, when required, said reporter shall receive not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy. Where the reporter is required to transcribe the whole or any part of the testimony during the taking of testimony in the Superior Court, he shall be entitled to receive and retain for his own use, not to exceed fifteen cents per folio for the original, and seven and one half cents per folio for each copy. Said compensation to be paid for, in civil cases, by the party ordering the same, and in criminal cases, together with said traveling expenses, to be audited and allowed by the Board of Supervisors as other claims against the county,

and paid out of the county treasury. Per diem fees so collected by the clerk shall be paid into the county treasury on the first Monday of each month.

In force.

This Act, so far as it relates to the service and compensation of said official reporter, shall take effect immediately after its passage.

35th class  
(San  
Mateo);  
salaries  
and fees in.

SEC. 192. In counties of the thirty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled, in going only.
3. The Recorder, two thousand five hundred dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a Supervisor is also road commissioner, he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner, his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

36th class  
(Tehama);  
salaries  
and fees in.

SEC. 193. In counties of the thirty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-two hundred dollars per annum.
2. The Sheriff, forty-five hundred dollars per annum.
3. The Recorder, eighteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.



6. The Tax Collector, one thousand dollars per annum, and five per cent on all licenses collected by him as License Collector. <sup>36th class (Tehama) continued.</sup>

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, six dollars per day when the board is in session, and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat once each session. For services as road commissioner, three dollars per day while engaged as such commissioner; *provided, however,* the amount so allowed as such commissioner shall not exceed three hundred dollars in any one year.

SEC. 194. In counties of the thirty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, <sup>37th class (Yuba); salaries and fees in.</sup> to wit:

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum, which shall be in full for all services as Tax Collector and as License Collector.

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 may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

37th class  
(Yuba),  
continued.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, the fees which now are or hereafter may be allowed by law.

14. Constables, the fees which now are or hereafter may be allowed by law.

15. Each member of the Board of Supervisors, five hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board; and when serving as road commissioner, three dollars per day, and twenty cents per mile one way, for all actual distances traveled by him in the performance of his duties as such commissioner.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

38th class  
(Marin);  
salaries  
and fees in.

SEC. 195. In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, four thousand five hundred dollars per annum.

3. The Recorder, one thousand six hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand six hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law. 38th class (Marin), continued.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court when ordered to be there by the Justice or Recorder; *provided*, that no Constable shall receive more than three dollars for any one day's attendance on any court.

15. Each Supervisor, five dollars per day when the board is in session, not exceeding five hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session.

16. The compensation herein provided for Constables shall In force. take effect immediately and affect incumbents.

SEC. 196. In counties of the thirty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, 38th class (Colusa); salaries and fees in. to wit:

1. The County Clerk, two thousand four hundred dollars per annum.

2. The Sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the State outside of his county. Also, his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The Recorder, eighteen hundred dollars per annum.

4. The Auditor, one thousand eight hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the Superior Court or the Board of Supervisors, and as *ex officio* County Recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or Board of Supervisors; for all other services, the fees allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that the fees for services rendered in criminal cases, and which are chargeable against

39th class  
(Colusa),  
continued.

the county, shall not exceed in the aggregate for any one month sixty dollars; *provided*, that this provision shall not affect their right to collect fees for services rendered as Coroner, when acting as such.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the fees for services rendered in criminal cases, and which are chargeable against the county, shall not exceed in the aggregate for any one month sixty dollars; *provided, also*, that he shall be paid by the county his actual and necessary expenses incurred in conveying prisoners to the county jail; *provided further*, that he be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county, not to exceed in the aggregate a sum equal to ten cents per mile necessarily traveled outside of his county in the execution of such warrant. The items of expense herein provided which may be allowed Constables shall not be charged to him in making up the maximum fees which he may collect from the county in criminal proceedings.

15. Each Supervisor, six dollars per day, while attending sessions of the board, and while engaged in the performance of the duties of road commissioners, and mileage at the rate of twenty cents per mile, for traveling from residence to county seat in attendance upon a regular session of the board.

16. The official reporter, such fees as are now provided by law.

In force

17. This Act, so far as it relates to counties of the thirty-ninth class, shall take effect immediately as to the offices of Surveyor, Justices of the Peace, and Constables, but shall not affect the compensation of other officers during their present term of office.

40th class  
(Tuolumne);  
salaries  
and fees in.

SEC. 197. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twenty-four hundred dollars per annum.
2. The Sheriff, thirty-five hundred dollars per annum.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum, and ten per cent of all licenses collected by him.
7. The Assessor, twenty-six hundred dollars per annum.
8. The District Attorney, fourteen hundred dollars per annum.
9. The Coroner, five hundred dollars per annum.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, nine hundred dollars per annum, and actual traveling expenses while visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that Constables of townships containing three thousand inhabitants, or more, shall be allowed as additional compensation a salary of thirty dollars per month, payable at the same time and in the same manner as the salaries of other county officers are paid.

40th class  
(Tuolumne),  
continued.

15. Each member of the Board of Supervisors, seven dollars per diem when the board is in session, and twenty-five cents per mile for traveling to and from his residence to the county seat, but he shall not in any one year receive more than five hundred dollars as Supervisor.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 198. 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:

41st class  
(Merced);  
salaries  
and fees in.

1. The County Clerk, two thousand two hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those in his own county.

3. The Recorder, one thousand six hundred dollars per annum; *provided*, that such Recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed two hundred dollars in any month, the Recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the Recorder for his own use, plus his salary, shall not exceed the sum of two thousand dollars in any one year.

4. The Auditor, one thousand six hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

41st class  
(Merced),  
continued.

7. The Assessor, two thousand six hundred dollars per annum; *provided*, that the Assessor shall annually revise the plats in his office, and prepare the military roll at his own cost and expense. All portions of this section referring to the revision of the Assessor's plats and to preparing the military roll shall take effect from and after the passage of this Act.

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one thousand four hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expenses shall not exceed the sum of three hundred dollars in any one year.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, each six hundred dollars per annum for all services performed by them as Supervisors, and members of the board of equalization, and road commissioners, including mileage; *provided*, that each Supervisor shall receive ten cents for each mile, traveled by the ordinary route, in going from his residence to the county seat and returning once during each meeting. Each Supervisor shall be allowed his actual traveling expenses while supervising the roads of his district, not exceeding ten dollars in any one month. This Act, so far as it relates to the compensation of Supervisors, and to their compensation as road commissioners in counties of the forty-first class, shall take effect immediately after its passage.

16. The official reporter of the Superior Court in counties of the forty-first class shall receive, as full compensation for taking notes when his services are demanded in civil cases, and in all criminal cases tried in said court, and when requested by a Justice of the Peace, Coroner, or District Attorney in preliminary examinations, or inquests, a salary of one thousand two hundred dollars per annum, payable in equal monthly installments out of the county treasury, at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside of the county seat. When the services of the reporter are demanded in any civil matter, there shall be taxed as costs in the case eight dollars per diem, for each day of the trial thereof, to be paid to the clerk of the court, in advance, one half by each side; for transcription of said notes in criminal cases, and in civil cases, when required, said reporter shall receive not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy. Where the reporter is required

to transcribe the whole or any part of the testimony during the taking of testimony in the Superior Court, he shall be entitled to receive and retain for his own use not to exceed fifteen cents per folio for the original and seven and one half cents per folio for each copy, said compensation to be paid for, in civil cases, by the party ordering the same, and in criminal cases, together with said traveling expenses, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury. All per diem fees so collected by the clerk shall be paid into the county treasury on the first Monday of each month. This Act, so far as it relates to the services and compensation of said official reporter, shall take effect immediately after its passage.

Sec. 199. In counties of the forty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

42d class  
(San  
Benito);  
salaries  
and fees in.

1. The County Clerk, one thousand six hundred dollars per annum.
2. The Sheriff, twenty-five hundred dollars per annum. The Sheriff shall also receive for his own use and benefit all fees, commissions, and mileage, in all civil cases wherein his county, and all fees, commissions, and mileage for service of any papers issued by any court outside of his county.
3. The Recorder, nine hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum. The Tax Collector shall be allowed one deputy for the months of November and April of each year, at a compensation of one hundred dollars per month.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum, and he shall receive no extra compensation for his services on the board of education.
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. In no case shall a Constable receive for service in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars.
15. Supervisors, five dollars per day for each day while in the service of the county, and twenty cents per mile for traveling from residence to county seat.

43d class  
(Kings):  
salaries  
and fees in.

SEC. 200. In counties of the forty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, six hundred dollars per annum, and such fees as are now or may be hereafter allowed by law.

2. The Sheriff, thirty-five hundred dollars per annum, and one jailer, at a salary of nine hundred dollars per annum.

3. The Recorder, six hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or any of his deputies, which said amounts shall be paid out of the county treasury.

4. The Auditor, seven hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, eight hundred dollars per annum.

7. The Assessor, twenty-two 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 provided by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum for all services performed as school superintendent and member of the board of education.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. The Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that the fees and compensation of any Justice of the Peace in criminal cases or proceedings to which the people of the State of California are or may be made a party, shall not exceed nine hundred dollars for any one year.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that the fees and compensation of any Constable in criminal cases or proceedings to which the people of the State of California are or may be made a party, shall not exceed nine hundred dollars for any one year.

15. Each Supervisor shall receive for compensation, five dollars per day for all services performed as Supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum.

44th class  
(Sutter):  
salaries  
and fees in.

SEC. 201. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

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, which shall be in full for all services as Tax Collector and as License Collector.
7. The Assessor, eighteen hundred dollars per annum.
8. District Attorney, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, the fees which now are or hereafter may be allowed by law.
14. Constables, the fees which now are or hereafter may be allowed by law.
15. Each member of the Board of Supervisors, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat; and, when serving as road commissioner, three dollars per day and mileage as allowed by law. But he shall not in any one year receive more than three hundred and fifty dollars as Supervisor, or more than two hundred and fifty dollars as road commissioner, exclusive of mileage.
16. In counties of this class, the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases, to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

44th class  
(Sutter),  
continued.

SEC. 202. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, and fees in.

45th class  
(Madera);  
salaries  
and fees in.

- to wit:
1. The County Clerk, fifteen hundred dollars per annum.
  2. The Sheriff, thirty-five hundred dollars per annum.
  3. The Recorder, twelve hundred dollars per annum.
  4. The Auditor, twelve hundred dollars per annum.
  5. The Treasurer, twelve hundred dollars per annum.
  6. The Tax Collector, seven hundred dollars per annum;

45th class  
(Madera),  
continued.

*provided*, there shall be no consolidation of this office with that of Treasurer or Sheriff until after the next general election.

7. The Assessor, eighteen hundred dollars per annum.

8. The District Attorney, fifteen hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, five hundred dollars per annum.

12. The Surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, six dollars per day, and twenty-five cents per mile in traveling to and from their respective residences to the county seat, all of which compensation, in the aggregate, shall not exceed four hundred dollars each per annum.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a monthly salary of fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct; *provided*, that in any one year the reporter shall not receive more than eighteen hundred dollars for services as such reporter.

46th class  
(Lake);  
salaries  
and fees in.

Sec. 203. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, thirteen hundred dollars per annum.

2. The Sheriff, twenty-four hundred dollars per annum, and the fees or commissions for the service of all papers issued by any court of the State outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county, issued by a magistrate or court within his county.

3. The Recorder, thirteen hundred dollars per annum.

4. The Auditor, seven hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, fifteen hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the Board of Supervisors, four dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat; and when serving as road commissioner, three dollars a day and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred dollars as Supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.
17. This Act shall not affect any officer during his present term of office so far as it relates to the compensation or salary of such officers of counties of the forty-sixth class.
- SEC. 204. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, and fees in.
- 47th class  
(Glenn);  
salaries  
and fees in.
- to wit:
1. The County Clerk, eighteen hundred dollars per annum.
  2. The Sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the State outside of his county; also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.
  3. The Recorder, one thousand dollars per annum.
  4. The Auditor, eight hundred dollars per annum.
  5. The Treasurer, twelve hundred dollars per annum.
  6. The Tax Collector, one thousand dollars per annum.
  7. The Assessor, two thousand dollars per annum.
  8. The District Attorney, sixteen hundred dollars per annum.
  9. The Coroner, such fees as are now or may be hereafter allowed by law.
  10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
  11. The Superintendent of Schools, sixteen hundred dollars per annum, and actual traveling expenses while visiting schools of his county.
  12. The Surveyor, such fees as are now or may be hereafter allowed by law.

47th class  
(Glenn),  
continued.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law; *provided*, that the fees for service rendered in criminal cases and which are chargeable against the county, shall not exceed in the aggregate in any one month sixty dollars; *provided*, this provision shall not affect their right to collect fees as Coroner when acting as such.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the fees for services rendered in criminal cases and which are chargeable against the county, shall not exceed in the aggregate in any one month the sum of sixty dollars; *provided also*, that he shall be paid by the county his actual and necessary expenses incurred in conveying prisoners to the county jail; *provided further*, that he be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county, not to exceed in the aggregate a sum equal to ten cents per mile necessarily traveled outside of his county in the execution of such warrant. The items of expense herein provided which may be allowed Constables shall not be charged to him in making up the maximum fees which he may collect in criminal proceedings.

15. Each Supervisor, five dollars per day while attending session of the board and while engaged in the performance of the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

16. Official reporters, same as now provided by law.

In force.

This Act, so far as it relates to counties of the forty-seventh class, shall take effect immediately as to the offices of Justices of the Peace and Constables, but shall not affect the compensation of other officers during the present term of office.

48th class  
(Sierra);  
salaries  
and fees in.

SEC. 205. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand three hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.
3. The Recorder, four hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, three hundred and fifty dollars per annum.
7. The Assessor, one thousand six hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the Board of Supervisors.
9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law. 48th class (Sierra), continued.

11. The Superintendent of Schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling to and from his residence to the county seat, at each session. But he shall not in any one year receive more than five hundred dollars as Supervisor.

16. The reporters, whether official or appointed for any particular case or proceeding, shall receive for his own use such fees as may be allowed by the Superior Court, when reporting therein or transcribing therefor, and such fees as may be allowed by the Supervisors for reporting in longhand or shorthand at preliminary examinations or inquests. Such fees to be collected from the parties in the proportion ordered by the court in civil cases, and to be paid by the county in criminal cases and proceedings.

17. The License Collector, such compensation as the Board of Supervisors shall fix.

This Act shall take effect immediately as to Justices of the Peace, Constables, and reporters. In force.

SEC. 206. In counties of the forty-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, 49th class (Plumas); salaries and fees in. to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand dollars per annum.

3. The Recorder, one thousand two hundred dollars per annum.

4. The Auditor, three hundred dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

6. The Tax Collector, three hundred dollars per annum.

7. The Assessor, one thousand five hundred dollars per annum.

8. The District Attorney, one thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

49th class  
(Plumas),  
continued.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, eight dollars per day when the board is in session, but he shall not in any one year receive more than three hundred dollars as Supervisor.

16. The reporters, whether official or appointed for any particular case or proceeding, shall receive for his own use such fees as may be allowed by the Superior Court, when reporting therein or transcribing therefor, and such fees as may be allowed by the Board of Supervisors for reporting in longhand or shorthand at preliminary examinations or inquests. Such fees to be collected from the parties in the proportion ordered by the court in civil cases, and to be paid by the county in criminal cases and proceedings.

17. The License Collector, such compensation as the Board of Supervisors shall fix.

In force.

This Act shall take effect immediately as to Justices of the Peace, Constables, and reporters.

50th class  
(Mariposa); salaries and fees in.

SEC. 207. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twelve hundred dollars per annum.

2. The Sheriff, thirty-eight 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 dollars per annum.

7. The Assessor, sixteen hundred and fifty dollars per annum.

8. The District Attorney, twelve hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses while visiting the schools of his county.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his residence to the county seat.

51st class  
(Modoc); salaries and fees in.

SEC. 208. In counties of the fifty-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, one thousand five hundred dollars per annum. 51st class (M odoc), continued.
  2. The Sheriff, two thousand five hundred dollars per annum.
  3. The Recorder, eight hundred dollars per annum.
  4. The Auditor, four hundred dollars per annum.
  5. The Treasurer, eight hundred dollars per annum.
  6. The Tax Collector, one thousand dollars per annum.
  7. The Assessor, one thousand five hundred dollars per annum.
  8. The District Attorney, one thousand two hundred dollars per annum.
  9. The Coroner, such fees as are now or may be hereafter allowed by law.
  10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
  11. The Superintendent of Schools, seven hundred dollars per annum and actual traveling expenses when visiting the schools of his county.
  12. The Surveyor, such fees as are now or may be hereafter allowed by law.
  13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
  14. Constables, such fees as are now or may be hereafter allowed by law.
  15. Each Supervisor, two hundred and fifty dollars per annum, and twenty-five cents per mile for traveling, one way only, to the county seat at each sitting of the board.
- SEC. 209. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
1. The County Clerk, one thousand five hundred dollars per annum.
  2. The Sheriff, three thousand dollars per annum.
  3. The Recorder, eight hundred dollars per annum.
  4. The Auditor, two hundred dollars per annum.
  5. The Treasurer, one thousand dollars per annum.
  6. The Tax Collector, five hundred dollars per annum.
  7. The Assessor, one thousand five hundred dollars per annum.
  8. The District Attorney, one thousand two hundred dollars per annum.
  9. The Coroner, such fees as are now or may be hereafter allowed by law.
  10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
  11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
  12. The Surveyor, such fees as are now or may be hereafter allowed by law.

52d class (Lassen); salaries and fees in.

52d class  
(Lassen),  
continued.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, and twenty-five cents per mile for traveling from his residence to the county seat, in going only.

16. The reporter, whether official or appointed for any particular case or proceeding, shall receive for his own use such fees as may be allowed by the Superior Court, when reporting therein or transcribing therefor, and such fees as may be allowed by the Supervisors for reporting in longhand or shorthand at preliminary examinations or inquests. Such fees to be collected from the parties in the proportion ordered by the court in civil cases, and to be paid by the county in criminal cases or proceedings.

17. The License Collector, such compensation as the Board of Supervisors shall fix.

In force.

This Act shall take effect immediately as to Justices of the Peace, Constables, and reporters.

53d class  
(Trinity):  
salaries  
and fees in.

SEC. 210. In counties of the fifty-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, fifteen hundred dollars per annum.

2. The Sheriff, three thousand dollars per annum.

3. The Recorder, eight hundred dollars per annum.

4. The Auditor, six hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, fifteen hundred dollars per annum.

8. The District Attorney, one thousand dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, seven hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

54th class  
(Inyo):  
salaries  
and fees in.

SEC. 211. In counties of the fifty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, sixteen hundred dollars per annum.



2. The Sheriff, four thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twelve hundred dollars per annum.
8. The District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, four hundred dollars per annum.

54th class  
(1890),  
continued.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, six dollars per day when board is in session; thirty cents per mile one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

SEC. 212. In counties of the fifty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

55th class  
(Del Norte);  
salaries  
and fees in.

1. The County Clerk, nine hundred dollars per annum.
2. The Sheriff, twelve hundred dollars per annum.
3. The Recorder, six hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, nine hundred dollars per annum.
6. The Tax Collector, nine hundred dollars per annum.
7. The Assessor, six hundred dollars per annum.
8. The District Attorney, nine hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.

55th class  
(Del Norte),  
continued.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors, three hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts and at Coroners' inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

56th class  
(Mono);  
salaries  
and fees in.

SEC. 213. In counties of the fifty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, twelve hundred dollars per annum.

2. The Sheriff, twenty-six hundred dollars per annum.

3. The Recorder, six hundred dollars per annum.

4. The Auditor, two hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, twelve hundred dollars per annum.

8. The District Attorney, nine hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law. 56th class (Mono), continued

15. Each member of the Board of Supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as road commissioner when actually engaged in road business.

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, a per diem of eight dollars; and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 214. In counties of the fifty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, 57th class (Alpine); salaries and fees in. to wit:

1. The County Clerk, five hundred dollars per annum.
2. The Sheriff, five hundred dollars per annum.
3. The Recorder, three hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, three hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, three hundred dollars per annum.
8. The District Attorney, three hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

11. The Superintendent of Schools, one hundred dollars per annum.

12. The Surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each Supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and, when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum.

*Provided, however,* that five per cent only shall be allowed the Sheriff or Tax Collector as fees for collecting licenses in counties of this class.

SEC. 215. 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 herein 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,* and except that where an Assistant District Attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an Act entitled "An Act to establish a uniform system of county and township government," approved March twenty-fourth, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this Act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided, 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 thirty-eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code, and the License Collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this Act; *provided, however,* that in counties, and cities and counties of the first, second, and third class the Assessor shall receive no commission for the collection of taxes on personal property, nor shall such Assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; nor shall the License Collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him; *provided,* that in any county where the number of Judges of the Superior Court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the Sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the Sheriff, at a salary of not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the County Clerk of such county, one additional deputy, to act as court-room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The Board of

Compensation in full.

Salaries of deputies, etc.

Assessor's commission.

License Collector's commission.

No commission in 1st, 2d, and 3d classes.

Additional deputy sheriffs and clerks.

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 a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this Act; *provided further*, that the Sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the Board of Examiners, and collected from the State. The court shall also allow the Sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The Sheriff may retain for his own use the mileage for service of papers or process issued by any court of the State outside of his own county.

Allowance to Sheriffs.

Boarding prisoners.

Conveying prisoners and insane.

Expenses for keeping property.

## FEES TO BE PAID INTO THE COUNTY TREASURY.

SEC. 216. All salaried officers of the several counties of this State shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except where such fees, or a percentage thereof, is allowed such officers, and excepting also such fees as are a charge against the county.

Fees to be paid in monthly.

## FEE BOOK.

SEC. 217. Each of the officers authorized to receive fees under the provisions of this Act must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation, of whatever nature, kind, or description, collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the County Auditor.

Fee book

## STATEMENT OF FEES.

SEC. 218. The fees and compensation collected and chargeable for the county in each month shall be paid to the County Treasurer on the first Monday in the following month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: "I, A. B., County Clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement

Monthly statement of fees.

Form of statement of fees collected.

in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of \_\_\_\_\_, A. D. \_\_\_\_\_, and that said fee book shows a full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct."

**Duty of Treasurer.** The Treasurer shall file and preserve in his office said statements and affidavit.

#### SALARY FUND.

**Salary fund.**

SEC. 219. For the purpose of paying the salaries provided for in this Act, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the County Treasurer from time to time to transfer to said fund from the general fund of the county such sums as may be necessary to pay said salaries as they become due.

#### SALARIES—HOW PAID.

**Salaries, how paid.**

SEC. 220. The salaries of such officers named in this Act as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the Auditor, on the first Monday of each and every month, to draw his warrant upon the County Treasurer in favor of each of said officers for the amount of salary due him under the provisions of this Act for the preceding month; except that one half of the annual salary of the Assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and one half in equal monthly installments for the remaining eight months of the year. The Treasurer shall pay said warrants, on presentation, out of the salary fund of the county treasury.

#### STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

**Duty of Auditor.**

SEC. 221. The Auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the County Treasurer, showing that he has made the statement and settlement for that month required in this Act.

#### OFFICIAL SERVICES AND FEES.

**Official service and fees.**

SEC. 222. 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 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. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

## ACCOUNT AND RECEIPT FOR FEES.

SEC. 223. Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same in treble the amount so paid. Receipt for fees.

## POSTER OF FEES OF JUSTICES.

SEC. 224. It shall be the duty of each Justice of the Peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to Justices of the Peace and Constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other Justice of the Peace of the county. Fees to be posted.

## ILLEGAL FEES.

SEC. 225. The Board of Supervisors, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant. Illegal fees.

## SERVICES PERFORMED BY SUCCESSOR.

SEC. 226. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services. Liable to successors.

## NO FEES ON HABEAS CORPUS.

SEC. 227. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus or naturalization, nor for administering or certifying the oath of office, nor fees or other compensation shall be paid for service rendered in an affidavit or application relating to the securing of a pension or the payment of a pension voucher, or any matter relating thereto, nor filing nor swearing to any claim or demand against any county in this State. No fee.

SEC. 228. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this Act. County charges.
2. The traveling and other personal expenses of the District Attorney, incurred in criminal cases arising in the county, and in

County charges.

civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the Coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any Justice of the Peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, poorhouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the Board of Supervisors, or declared to be a county charge.

10. The fees of Constables in criminal cases allowed by law.

#### COST OF CRIMINAL ACTIONS ON REMOVAL.

Cost of criminal action.

SEC. 229. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

#### COSTS ON REMOVAL—HOW CERTIFIED AND PAID.

Costs on removal.

SEC. 230. The Clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the Auditor of his county, and such Auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such Auditor shall forward to said Treasurer and Auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the County Clerk and the court; and the Auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasury of his county; and the County Treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the general fund of said county; or, if at the date of presentation there is not sufficient money in the said general fund to pay the same, he must indorse upon said warrant "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same

Warrant not paid.



manner, as though it had been drawn by the Auditor of the county where the indictment was found.

SEC. 231. Counties created or organized after the passage and approval of this Act shall immediately come under and be governed by its provisions, so far as the same are applicable thereto. When the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the Board of Supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided*, that the salary of county officers shall not be affected by reason of such division of the county or order of the board, for the term for which they were elected and qualified. In any newly created county, for the purpose of fixing the salaries and fees of county and township officers, the board of commissioners appointed to organize said new county, and if no commissioners be appointed, then the Board of Supervisors of said new county, shall classify said new county according to the population classification of this Act. In each case the population shall be numerically fixed, and when so fixed shall be certified to the Secretary of State by the board fixing the same.

New  
counties.

Reduction  
of class,  
duty of Su-  
pervisors.

SEC. 232. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Repeal.

SEC. 233. The provisions of sections one hundred and fifty-eight to two hundred and fourteen, inclusive, of this Act, so far as they change the compensation of any officer therein named, heretofore paid a fixed salary, or heretofore paid a fixed salary and commissions, and not fees or per diem, shall not affect incumbents, unless otherwise provided in any of said sections.

Incum-  
bents not  
affected,  
except.

SEC. 234. This Act, except as otherwise herein provided, shall take effect and be in force sixty days from and after its passage.

In force.

## CHAPTER CCLXXVIII.

*An Act to provide for certain improvements at the Preston School of Industry, Ione, and to make an appropriation therefor.*

[Approved April 1, 1897.]

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

SECTION 1. The sum of fifty-six thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to construct for the Preston School of Industry at Ione, a dining-room, assembly-room, new kitchen, two double cottages, and to furnish the same.

Preston  
School of  
Industry,  
appropria-  
tion for.

Preston  
School of  
Industry,  
appropri-  
ation for.

SEC. 2. The sum herein appropriated shall be expended under the directions of the Trustees of the Preston School of Industry.

SEC. 3. The Controller is authorized to draw his warrant in favor of the said trustees for the amount herein appropriated, and the Treasurer is directed to pay the same.

SEC. 4. The State Board of Examiners are hereby instructed to require the Trustees of the Preston School of Industry to cause to be performed by the inmates thereof as much of the work hereby authorized as can be properly done by them. And for this purpose the trustees of said school are exempted from existing laws directing otherwise than as herein provided, subject, however, to the approval of the State Board of Examiners.

SEC. 5. This Act shall take effect immediately.

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CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

## CHAPTER I.

*Assembly Joint Resolution No. 6 (Substitute for Assembly Joint Resolutions Nos. 1 and 2), relative to the Powers-Gear funding bill.*

[Adopted January 8, 1897.]

WHEREAS, There is now pending in Congress a measure known as the "Powers-Gear" bill, which has for its object the refunding of the debts of certain government-aided railroads; and WHEREAS, Any scheme for refunding the Pacific Railroads' indebtedness to the United States government, or any extension of the time for payment of the same, must result in maintaining an excessive capitalization of these roads, thus requiring high rates of fares and freights to meet the interest payments thereon, to the great burden and disadvantage of the people of the State of California; therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring,* That we are unalterably opposed to any and all extensions of the time for payment of said debts, and also to the Powers-Gear bill, or any other bill of like import, and we hereby instruct our Senators and request our Representatives in Congress to oppose, by all honorable means, the enactment of any such measure; and be it further

*Resolved,* That we favor the immediate collection, on maturity, of said debts, or in the event the same cannot be collected, then we urge the enforcement of existing laws of the United States concerning this question; and be it further

*Resolved,* That we petition, in behalf of the State of California, for a hearing before the respective committees of Congress having jurisdiction of the subject; and the Senate and House of Representatives of the United States are hereby further petitioned to recommit the measure now under consideration and delay final action thereon until such hearing can be had; be it further

*Resolved,* That the Governor be requested to immediately transmit by telegraph a copy of these resolutions to our congressional delegation at Washington.

Powers-Gear bill.

Opposed to refunding Pacific Railroads indebtedness.

## CHAPTER II.

*Senate Joint Resolution No. 1.*

[Adopted January 11, 1897.]

Preamble. WHEREAS, The Committee on Ways and Means of the House of Representatives is considering the preparation of a new tariff bill, in which the principle of protection to American industries is to be fully recognized; and  
 WHEREAS, The fruit interests of California are vitally interested in receiving adequate protection from foreign competition; therefore, be it

Protective tariff on fruits. *Resolved by the Senate of the State of California, the Assembly thereof concurring,* That we instruct our Senators and urgently request our Representatives in Congress from this State, that they use every means in their power to secure the incorporation in the new tariff law of such import duties on fruits as shall fully and completely protect the fruit interests of California from foreign competition, securing to California producers the control of the home market and a reasonable price for their products.

*Resolved,* That the Secretary of the Senate be directed to transmit to each of our Representatives in Congress, and to telegraph immediately to each of the Senators from this State, a copy of these resolutions.

## CHAPTER III.

*Senate Joint Resolution No. 3, relative to protection of beet sugar industry.*

[Adopted January 13, 1897.]

Preamble. WHEREAS, Under the encouragement given to the beet sugar industry by the McKinley bill, the production of beet sugar in the United States increased from twelve million four thousand eight hundred and thirty-eight pounds in eighteen hundred and ninety-two to forty-five million one hundred and ninety-one thousand two hundred and ninety-six pounds in eighteen hundred and ninety-four, and the product of California alone from eight million one hundred and seventy-five thousand four hundred and thirty-eight pounds in eighteen hundred and ninety-two to thirty-five million eighty-eight thousand nine hundred and sixty-nine pounds in eighteen hundred and ninety-four, thereby bringing thousands of dollars into this State, to be distributed among the farmers, merchants, and wage-earners of this commonwealth; and  
 WHEREAS, A renewal of the bounty or adequate protection for the sugar interests, so that America will produce the sugar

she consumes, means the addition of over one hundred million dollars annually to the income of American farmers; therefore, be it

*Resolved by the Senate, the Assembly concurring,* That our Senators be instructed, and our Representatives be earnestly requested, to use their best endeavors to have adequate protection to the sugar interests inserted in the new tariff bill now being prepared, and that the Secretary of the Senate be and is hereby instructed to transmit to our Senators, Representatives, and Representatives elect a copy of these resolutions. Protective  
tariff on  
sugar.

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#### CHAPTER IV.

*Senate Concurrent Resolution No. 1, relative to joint convention for the election of State Library Trustees.*

[Adopted January 20, 1897.]

*Resolved by the Senate, the Assembly concurring,* That the two houses meet in joint convention in the Assembly Chamber, at twelve meridian Wednesday, February third, eighteen hundred and ninety-seven, for the purpose of electing five Trustees of the State Library, to fill the vacancies which will occur by the expiration of the terms of W. S. Green, E. E. Leake, M. Gardner, F. T. Baldwin, and Peter J. Shields. Election of  
State  
Library  
Trustees.

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#### CHAPTER V.

*Senate Joint Resolution No. 9, relative to Nicaragua canal.*

[Adopted January 27, 1897.]

WHEREAS, There is now before Congress a bill to secure construction of the Nicaragua canal, entitled H. R. Bill No. 35, introduced by Hon. Mr. Mahon; and Preamble.

WHEREAS, The State of California, the Pacific Coast, and our entire country will be materially benefited by the beneficent work; therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring,* That we respectfully, but urgently, request the Congress of the United States to enact said bill at its present session, securing to our country the great benefit of a short, cheap waterway between the Atlantic and Pacific oceans, free to all, on equal terms, without discrimination, and under control of the United States Government. Nicaragua  
canal.

*Resolved,* That the Governor of California is respectfully requested to telegraph these resolutions to the honorable President of the Senate, and the honorable Speaker of the House of Representatives.

## CHAPTER VI.

*Senate Concurrent Resolution No. 2, relative to employing additional help to light and heat the capitol building.*

[Adopted January 27, 1897.]

To light  
and heat  
the capi-  
tol.

*Resolved by the Senate, the Assembly concurring,* That the Secretary of State be requested to employ such additional assistance as shall be required to properly look after the lighting and heating of the capitol building during the session of the Legislature, and the sum of six hundred dollars is hereby appropriated out of the contingent funds of the Senate and Assembly—three hundred dollars from the contingent fund of the Senate and three hundred dollars from the contingent fund of the Assembly—with which to pay said additional assistance. The Controller is hereby directed to draw his warrant for said amounts, and the Treasurer is directed to pay the same.

## CHAPTER VII.

*Senate Joint Resolution No. 2, relative to the fruit industry.*

[Adopted February 2, 1897.]

**Preamble.** *Resolved by the Senate of the State of California, the Assembly concurring,* That—WHEREAS, The fruit-growers of California, in convention assembled, December second, eighteen hundred and ninety-six, at Sacramento, California, adopted a memorial to the Congress of the United States respecting the duties upon foreign fruits, expressive of the views of the convention and the fruit-growers of California; therefore, be it

**Tariff on.** *Resolved,* That the Legislature of California fully indorse the objects set forth in said memorial and approve the same, and hereby petition Congress to enact a tariff on fruits and fruit products as follows:

**Olives.** (1) *Olives*, green or prepared, which were not upon the dutiable list in the Act of eighteen hundred and ninety, and which by the Act of eighteen hundred and ninety-four were placed on the dutiable list with twenty per cent ad valorem duty, should be twenty cents per gallon. The California plantings of this precious tree are increasing and should be encouraged.

**Olive oil.** (2) *Olive Oil* for salad was given a specific duty of thirty-five cents per gallon, both by the Act of eighteen hundred and ninety and by the Act of eighteen hundred and ninety-four. The consumer gets this oil in bottles, about five of which make a gallon; it sells at seventy-five cents to one dollar per bottle. The invoice price at which it is valued for duty is about one dollar and eight cents per gallon, or a duty of seven cents per bottle. This duty is too small; we therefore ask that it be not less than one dollar per gallon, and the same on all oils of



which olive oil forms a part. In eighteen hundred and ninety-five we exported twenty-one million one hundred and eighty-seven thousand seven hundred and twenty-eight gallons of cotton-seed oil. Much of this returned to America, after further treatment, labeled pure olive oil, greatly to the detriment of the pure oil made from the fruit grown in California. At present we must compete not only with pure olive oil, but also with cotton-seed oil and other substitutes.

(3) *Raisins, Zante Currants, Sultanas*, and all other dried products of the grape should be given two and one half cents per pound, the duty of eighteen hundred and ninety. This industry has grown so rapidly that raisins have cheapened in the market far beyond expectations and to a point affording but little profit to the grower. The present duty of one and one half cents per pound about covers cost of transportation to New York and Chicago. The foreign article comes in with very small freight charge. Our product should have at least one cent per pound clearly protective, and even this will not put our grower upon an equal footing with the foreign producer. The cost of transportation on imported fruits is about thirty cents per hundred pounds, while we pay one dollar and fifty cents per hundred pounds. Raisins, etc.

(4) *Almonds*. The price realized during the past two years has not been remunerative. It is one of the most delicate fruits, and more likely to suffer from frost than even the orange; it blooms early and is quite tender in the bloom and for some time after setting the fruit. There are many things to discourage its planting, and yet it is very desirable that we should continue its production, as, since we began its culture, we have produced many very desirable new varieties and have cheapened the price so that the consumer in recent years has indulged this luxury to a much greater extent than formerly. Notwithstanding we have grown the almond quite extensively, the importations have increased. The rate of duty does not seem to have affected the imports. In eighteen hundred and ninety-two, when the duty was five cents, our imports were seven million six hundred and twenty-nine thousand three hundred and ninety-two pounds. In eighteen hundred and ninety-five, they were nearly eight million pounds. By the Act of eighteen hundred and eighty-three, and the Act of eighteen hundred and ninety, and the Mills bill, the rate was five cents. The Wilson bill cut it down to three cents, which is too low. There was less revenue to the Government in eighteen hundred and ninety-five at three cents than formerly at five cents, and there was less protection. We ask that the duty be made six cents per pound on unshelled and ten cents on shelled almonds. Almonds.

(5) *Walnuts*. Walnuts are largely produced in the State. The acreage planted is greater than that of the almond, and it is a more profitable tree where soil and climate are favorable. In the Acts of eighteen hundred and eighty-three and eighteen hundred and ninety and the Mills bills the same rates were imposed (except that by the Act of eighteen hundred and Walnuts.

ninety the rate was properly increased on shelled walnuts from three to six cents per pound). The Wilson Act of eighteen hundred and ninety-four cut down the rate to two cents. It should be restored to the old rate of three cents on unshelled and six cents on shelled. It takes much longer to bring a walnut tree to bearing than the almond, and the area adapted to its production is much less.

Prunes.

(6) *The Prune Industry.* The duty by the Act of eighteen hundred and eighty-three was one cent per pound, and the same by the Mills bill. The Act of eighteen hundred and ninety increased it to two cents, but the Act of eighteen hundred and ninety-four reduced it to one and one half cents. The present duty does not more than cover the cost of transportation to our markets, so that we practically enter them with no advantage over the foreign producer. The duty should be two and one half cents per pound on prunes and plums. Since California has developed this industry, the prune has become a common article of food, greatly prized by the masses, and has been so cheapened in price that all classes may use it. So long as the foreign trade had the market the prune was a luxury. In eighteen hundred and ninety-three foreign prunes were laid down in New York City for four and four and one half cents per pound, duty paid of two cents, and we imported that year over twenty-six million pounds. During the past two seasons the foreign crop has been short, but still the price has not advanced materially. The fact that the foreign producer can sell for two and two and one half cents per pound, and pay commissions and freight charges out of this, will show how sharp is to be the competition when a good crop is produced abroad. Nothing short of two and one half cents per pound will afford any protection. If the California prune-grower is forced to yield the trade to her foreign competitor and go out of the business of growing prunes, the foreign producer will inevitably raise his price, and the consumer will lose much more than by paying the small additional duty asked if he prefers the foreign article.

Figs.

(7) *The Fig Industry.* In eighteen hundred and eighty-three the duty was two cents per pound on figs, and two and one half cents by the Act of eighteen hundred and ninety. The Mills bill put them on the free list, and the Wilson Act placed the duty at one and one half cents. Nothing could be more illogical than to put figs upon the free list, even under tariff for revenue only. Figs are not an article of necessity, and the consumption has not much increased in ten years. This fruit is really most wholesome, and should be more widely consumed, and will be when our plantings are in full bearing. We recommend a duty of three cents per pound.

Preserved fruits.

(8) *Comfits, Sweetmeats, Preserved Fruits, etc.* Under the general heading above, all parties, and all laws, seem to have regarded the more costly preparations of fruit, such as glacé, candied, and preserved varieties, as essential luxuries, and as such should pay a revenue. The industry in California is developing and will find a wide and profitable field. The duty

was thirty-five per cent ad valorem under former laws, and is thirty per cent by the Act of eighteen hundred and ninety-four. In the nature of these products a specific duty seems not practicable, but a duty of forty per cent is none too large, and we recommend that rate.

(9) *Citrus Fruits—Oranges, Lemons, and Limes.* The citrus-fruit industry has, perhaps, contributed more to bring to the notice of the world the wonderful range of California's fruit products than all others combined. In point of acreage planted, rapidity of its development, capital invested, and relation to the Eastern fruit markets, it stands at the head of all our varieties. We have competitors, not only in the eastern, but also in the southern portion of the western hemisphere, and from the islands of the sea. The orange and lemon have passed beyond the class of luxuries and have become a necessity to the American people, and are demanded and consumed in large quantities. The competition with our lemons is very close and very unfair, because an inferior lemon is put upon the market at low prices, and seriously affects the price of good lemons. Mexico is preparing to enter into strong competition for our orange trade, and will this season send in over eight hundred carloads. Our present orange and lemon duty is not as protective as it should be, and is not as high as it should be to yield revenue. The rate under the Acts of eighteen hundred and eighty-three and eighteen hundred and ninety was thirteen cents per cubic foot on box of one and one quarter cubic feet, and twenty-five cents per box of two and one half feet, and fifty-five cents on box of five feet, and twenty per cent ad valorem on each additional cubic foot. Oranges run from one hundred and twenty-eight to two hundred and sixty to a box of one and three quarters cubic feet. The average number is about one hundred and sixty to a box, on which the McKinley bill placed a duty of about twelve cents per hundred, and the Wilson bill eight cents per hundred. We claim that this duty is so inadequate, as offering protection, that our country is flooded with grossly inferior fruit, and the business of producing good oranges discouraged. The same may be said of the duty of one dollar and fifty cents laid on one thousand oranges in bulk. It is not protective, nor is it sufficient for revenue. We see no reason for these several classifications. The duty should be laid at a uniform rate per cubic foot, regardless of the size of the package, and should not be less than twenty cents per cubic foot, and when in bulk (which are always high-grade and large oranges) should bear not less than two dollars and fifty cents per thousand. We further recommend a specific duty of ten cents per pound on citric acid, and fifty cents per pound on essential oils of oranges and lemons.

Oranges,  
lemons,  
and limes

Citric acid  
and oils.

WHEREAS, The orchards of California are proving to the country what her gold mines were in the fifties, with the advantage that they have come to stay, and are practically unlimited in possibilities; and

WHEREAS, Nature has decreed California to be the orchard of America, if not of the globe. Here are produced the fruits of every zone. The whole country has the same interest in our success, or should have, that it has in the success and prosperity of other specially favored regions of our marvelous country—as in the South in her cotton and sugar and rice and tobacco, the great West in her corn and wheat, the Middle States in their iron and coal, the East in her manufactures. That we can produce in California every fruit known to the Mediterranean basin, and the hardier fruits of all other climes, should arouse the pride of all Americans, and challenge their friendly aid; and

WHEREAS, The more nearly the United States are enabled to produce all articles of human consumption, the more nearly we shall approach the ideal country for human habitation. We desire to furnish to the people of the United States fruits in abundance and at reasonable prices, such fruits especially as cannot be elsewhere grown in the United States. We ask only such legislation as will enable us to do this; therefore, be it

*Resolved*, That these resolutions be printed and duly attested, and a copy be forwarded to each member of the Ways and Means Committee of the House of Representatives, and to each present Senator and Representative in Congress, and to each Senator and Representative of the forthcoming Congress of America.

## CHAPTER VIII.

*Senate Joint Resolution No. 5, relative to dredging channel from San Pablo Bay to Mare Island.*

[Adopted January 29, 1897.]

Channel  
to Mare  
Island.

WHEREAS, There is an open channel for all vessels of the United States Navy from San Pablo Bay up to Mare Island Straits, which run between the United States Navy Yard, Mare Island, and the western shore of Solano County, State of California; and

WHEREAS, The United States Government considers it unsafe at present to allow vessels of such draft as the U. S. S. "Oregon" to be sent to Mare Island Navy Yard on account of the shoaling of the channel of said straits; and

WHEREAS, A survey has been made and estimates submitted to the United States Government, approximating the cost of dredging said channel; therefore, be it

Request-  
ing an ap-  
propria-  
tion for  
dredging.

*Resolved by the Senate, the Assembly concurring*, That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to pursue such course as shall be necessary to secure an ample appropriation by the

United States Government to carry on and complete the dredging of said channel.

*Resolved*, That a copy of these resolutions be forwarded to said Senators and Representatives in Congress by the Secretary of the Senate.

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## CHAPTER IX.

*Senate Joint Resolution No. 10, relating to foreign immigration and proper restriction thereof.*

[Adopted January 29, 1897.]

WHEREAS, Immigration to the United States of the illiterate, pauper, and criminal classes of other countries has grown to such proportions as to seriously endanger the interests of our people, and even threaten the perpetuity of our institutions; and

Foreign  
immigra-  
tion.

WHEREAS, There is now pending in Congress proposed legislation for the correction of this rapidly growing evil; now, therefore, be it

*Resolved by the Senate, the Assembly concurring*, That our Senators in Congress be instructed, and our Representatives be earnestly requested, to vote for, and use all honorable means to secure the passage of, such pending measures as they deem best fitted to secure proper and sufficient restriction of foreign immigration, to the end that the interests of our people shall be adequately protected, and the blessings of free government be maintained and assured.

Passage of  
restriction  
laws.

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## CHAPTER X.

*Senate Joint Resolution No. 11, requesting Congress to impose a tariff on foreign fresh table grapes competing with the American product.*

[Adopted February 2, 1897.]

*Resolved by the Senate, the Assembly concurring*, WHEREAS, In the memorial to Congress, adopted by the fruit-growers of California, in convention assembled, at Sacramento, on the second day of December, eighteen hundred and ninety-six, a request that a tariff be imposed upon imports of fresh table grapes was overlooked, and not intentionally omitted from the schedule adopted; and

Tariff on  
table  
grapes.

WHEREAS, There are annually imported into the United States many millions of pounds of grapes, that come in competition with those grown in this country; and

WHEREAS, The tariff law of eighteen hundred and ninety—the McKinley law—whereby a specific duty of two cents per

pound was imposed upon fresh table grapes, was amended in eighteen hundred and ninety-four, by making it an ad valorem tariff of twenty per cent, equal to about eighty-one cents per one hundred pounds; and

WHEREAS, It must be remembered in fixing the schedule for foreign grapes competing with ours, that our principal markets lie about three thousand miles away from our vineyards, and that the cost to California growers for transportation alone, to New York and other eastern markets, is about two and one half cents per pound, while, generally speaking, the cost of transportation on imported fruits is about thirty cents per one hundred pounds, which, together with the import duty of eighty-one cents per one hundred pounds, makes the total cost to the importer one dollar and eleven cents per one hundred pounds, while the California growers have to pay for transportation alone about two dollars and fifty cents per one hundred pounds, or about one dollar and forty cents more per one hundred pounds than the importer; and as we believe the California producer should have at least one cent per pound clearly protective over the foreign producer; therefore, be it

Requesting additional tariff.

*Resolved*, That the Congress of the United States be and is hereby requested to add to the twenty per cent ad valorem tariff now imposed, a specific tariff of two and one half cents per pound upon all fresh table-grape importations.

*Resolved*, That the same be printed and duly attested, and a copy forwarded to each Senator and Representative in Congress now serving, and to each Senator and Representative of the Congress to assemble after the fourth of March, eighteen hundred and ninety-seven, and that the Senators and Representatives from California, at the time serving as such, be and they are hereby specially requested to give the subject of this resolution their most earnest attention and support, and to press the same upon the attention of the Ways and Means Committee of the House of Representatives, and the Committee on Finance of the Senate.

## CHAPTER XI.

*Senate Joint Resolution No. 15, relative to sending food to the famine-stricken people of India.*

[Adopted February 15, 1897.]

Preamble.

WHEREAS, Senator George C. Perkins is about to introduce a bill in Congress to appropriate funds to send a vessel to carry food to the starving inhabitants of India, and Secretary Herbert of the Navy is cooperating to that end; now be it

Indorsing act to send food to India.

*Resolved by the Senate, the Assembly concurring*, That our Representatives in Congress are requested and our Senators in-

structed to urge the passage of said bill as a matter of urgency, to demonstrate to all nations the sympathy and humanity of the American people; and be it further

*Resolved*, That the Governor be and he is hereby requested to immediately transmit by telegram to Senator George C. Perkins at Washington, D. C., a copy of these resolutions.

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## CHAPTER XII.

*Senate Concurrent Resolution No. 8, relative to recalling bills from the Governor.*

[Adopted March 2, 1897.]

*Resolved by the Senate, the Assembly concurring*, That we request the Governor to return to the respective houses Senate Bill No. 1 and Assembly Bill No. 22. Requesting bills returned

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## CHAPTER XIII.

*Assembly Joint Resolution No. 30, relative to and advocating the passage of the California Mineral Lands Bill.*

[Adopted March 4, 1897.]

WHEREAS, There is now pending in the Congress of the United States, the California Mineral Lands Bill; and Mineral Lands bill.

WHEREAS, The speedy enactment thereof is a matter of vital importance to California; therefore, be it

*Resolved*, That our Senators be instructed, and our Representatives in Congress be requested, to use all honorable means to secure the passage of the same; be it further Urging its passage.

*Resolved*, That the Governor transmit a copy of this resolution by telegram to the California delegation in Congress.

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## CHAPTER XIV.

*Senate Concurrent Resolution No. 9, relative to recalling Assembly Bill No. 419 and Assembly Bill No. 76.*

[Adopted March 4, 1897.]

*Resolved by the Senate, the Assembly concurring*, That Assembly Bill No. 419—"An Act to amend section five hundred and forty-two of the Code of Civil Procedure"—and Assembly Bill No. 76—"An Act to amend section two hundred and sixty-one of the Penal Code of the State of California, relating to the Requesting bills returned.

crime of rape, and what constitutes the same"—be recalled from the Governor and returned to the Assembly for further action, it appearing from a communication received from Governor James H. Budd that the Assembly has failed to act on the amendments to said bills adopted by the Senate.

## CHAPTER XV.

*Senate Concurrent Resolution No. 7, approving the charter of the City of San José, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the qualified voters of said city, at a special election held therein for that purpose, on the 23d day of February, 1897.*

[Adopted March 5, 1897.]

- Preamble. WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants; and
- Charter of City of San José. WHEREAS, At a special municipal election, duly held in said city on Monday, November second, eighteen hundred and ninety-six, in accordance with law and the provisions of section eight of article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and
- WHEREAS, The same was on January second, eighteen hundred and ninety-seven, signed in duplicate by all the members of said board of fifteen freeholders, and was, on said last named day, returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and
- WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January second, eighteen hundred and ninety-seven; and
- WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: the Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February 23, 1897; and
- WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José at a meeting held on Wednesday, February 24, 1897 (which said meeting was duly convened); and



WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight, of article eleven, of the Constitution of said State; and

WHEREAS, The said charter so ratified is in the words and figures following, to wit:

### CHARTER OF THE CITY OF SAN JOSE,

PREPARED BY A BOARD OF FIFTEEN FREEHOLDERS, DECEMBER,  
1896.

#### ARTICLE I.

##### BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of San José, shall remain and continue a body politic and corporate in name and in fact by the name of the City of San José; by that name shall have perpetual succession; may sue and defend in all courts and places, and in all matters and proceedings whatever. It may have and use a common seal and alter it at pleasure; may purchase, receive, and hold real and personal property within and without the city limits; may sell and dispose of the same for the common benefit; receive bequests and donations of all kinds of property in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests and donations, with power to manage, sell, or otherwise dispose of the same, in accordance with the terms of the bequest or donation.

SEC. 2. The boundaries of the City of San José shall be as follows: Beginning at a point in the center line of Second Street prolonged southerly, distant  $1\frac{1}{2}$  miles southerly from the point of intersection of said center line of Second Street with the center line of San Fernando Street, and running thence northeasterly and parallel to San Fernando Street to a point in the center line of the channel of the Coyote River, distant 603 feet easterly from the point of intersection of said last described line with the east line of the Senter Road, thence northwesterly and along the center line of said Coyote River channel to its point of intersection with the center line of Rosa Street prolonged northeasterly, said point of intersection being 2,125 feet northeasterly from the underground redwood city monument set at the intersection of the center line of Rosa Street with the center line of Sixteenth Street, thence southwesterly along said

center line of Rosa Street and its prolongations to a point distant 660 feet southwesterly from the original west bank of the Guadalupe River, from which point an underground city monument set at the point of intersection of the center line of Spring Street with the western city limits bears south, 32 degrees and 16 minutes east, 396.00 feet, thence southwesterly in a straight line to a point in the center line of San Fernando Street, distant 660 feet southwesterly from the point of intersection of said center line of San Fernando Street with the original west bank of the Guadalupe River, said point being also distant 231.61 feet southwesterly from the underground granite monument set at the intersection of said center line of San Fernando Street with the center line of Delmas Avenue, thence southeasterly and parallel to Second Street  $1\frac{1}{2}$  miles, and thence at right angles northeasterly and parallel to San Fernando Street to the point of beginning.

Jurisdiction.

The jurisdiction of said city shall extend to and embrace all that parcel of land known as the City Reservation, or Alum Rock Park, and that other parcel of land as now inclosed for a public cemetery and known and designated as Oak Hill Cemetery, including that portion of said cemetery owned by the corporation known as the Oak Hill Improvement Company.

SEC. 3. The city shall be divided into four wards, bounded as follows:

First ward.

That portion of the city bounded on the northwest by the northern boundary line of said city, on the northeast by the center line of First Street, on the southeast by the center line of Santa Clara Street and the continuation of said center line of Santa Clara Street along the center line of the Alameda road to the western boundary of said city, and on the southwest by the southwestern boundary of said city, shall be and constitute the first ward.

Second ward.

That portion of the city bounded on the northwest by the northern boundary line of said city, on the northeast by the center line of the Coyote River, on the southeast by the center line of Santa Clara Street, and on the southwest by the center line of First Street, shall be and constitute the second ward.

Third ward.

That portion of the city bounded on the northwest by the center line of Santa Clara Street, on the east and northeast by the center line of the Coyote River, on the southeast by the southeastern boundary line of said city, and on the southwest by the center line of First Street, shall be and constitute the third ward.

Fourth ward.

That portion of the city bounded on the northwest by the center line of Santa Clara Street and the continuation of said Santa Clara Street along the center line of the Alameda road, on the northeast by the center line of First Street, on the southeast by the southeastern boundary line of said city, and on the southwest by the southwestern boundary line of said city, shall be and constitute the fourth ward.

## ARTICLE II.

## ELECTIONS AND OFFICERS.

*Chapter I. Elections.*

SECTION 1. The provisions of all general laws governing elections for state and county officers not inconsistent with the provisions of this charter are hereby adopted as the law governing city elections, and the Mayor and Common Council and the City Clerk respectively shall exercise the powers and perform the duties conferred or imposed by law on Boards of Supervisors and County Clerks concerning elections.

Laws governing elections.

SEC. 2. The Mayor and Common Council shall prepare and submit to the qualified electors of the city for adoption, at a general or special election, a proposition embodied in an ordinance regulating primary elections within the city to choose delegates to city conventions held to nominate candidates for city offices, and until such proposition embodied in an ordinance has been adopted by a majority of the qualified voters voting at such election, a candidate for an office to be filled at a city election can be nominated only in the manner provided in Section 1188 of the Political Code.

Primary elections.

SEC. 3. The City Clerk shall not file, or cause to be printed in the official ballots to be used at the polls, any nomination made otherwise than as provided in said section of the Political Code, until a proposition formulated by an ordinance governing primary elections within the city is adopted by vote of the qualified electors.

Duty of City Clerk as to nominations.

SEC. 4. The Mayor and Common Council shall provide for holding all city elections. The boundaries of the precincts shall remain as fixed for the election for state and county officers at the last general election preceding a city election unless changed by ordinance of the Mayor and Common Council. Each inspector, judge, and clerk of election shall receive three dollars for his services.

Precinct boundaries.

Fees of election officers.

The election returns from each precinct shall be filed with the City Clerk, who shall immediately place the same in the vaults of the City Clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the Common Council.

Returns.

On the second day after a city election the Mayor and Common Council shall canvass said returns and declare the result. If two persons receive an equal number of votes for the same office, except the office of Mayor, the Common Council shall by ordinance select one of such persons to fill the office until the next general city election.

Canvass.

SEC. 5. After the result of an election is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate thereof and serve the same by depositing it with postage prepaid in the post office, addressed to the person elected or appointed; and within ten days there-

Certificates of election.

after, if the office be accepted, such person shall file the certificate with the oath of office attached, in the office of the City Clerk. When an official bond is required it shall be approved and filed within twenty days after the certificate of election is issued.

Dates of elections.

SEC. 6. The first election for city officers under this charter shall be held on the second Monday in April, 1898. The officers elected at that time shall take office immediately, and, except the members of the Common Council, shall hold until July, 1900. All charter elections, subsequent to the first, shall be held biennially on the third Monday in May, and the officers elected shall take office on the first Monday in July following their election; and, except members of the Common Council, shall hold for two years and until their successors are elected and qualified. If this charter shall not be approved by the Legislature at its thirty-second session, the first election shall be held on the second Monday in April, 1899, and the officers elected shall take office immediately, and, except members of the Common Council, shall hold until July, 1901. All general municipal elections, subsequent to the first, shall be held biennially on the third Monday in May, and the officers elected shall take office on the first Monday of July following their election, and, except members of the Common Council, shall hold for two years and until their successors are elected and qualified.

Incumbents to hold.

SEC. 7. The approval of this charter by the Legislature at its thirty-second session shall not work a vacancy in office, but all persons who, at the time of such approval, hold any city office which by this charter is made elective, shall continue to hold until the end of the term for which they were elected.

From and including the second Monday in April, 1897, to the second Monday in April, 1898, and until their successors are elected or appointed and qualified, the four school trustees and the four councilmen whose term of office would expire in April, 1898, shall constitute the Board of Education and the Common Council, respectively.

Mayor to appoint.

SEC. 8. On the second Monday in April, 1897, the Mayor, with the consent of the Common Council, shall appoint a City Clerk who shall be ex officio Assessor, four Trustees of the Free Public Library, and one member of the Board of Health, to hold office for one year and until their successors are elected or appointed and qualified.

Elective officers.

SEC. 9. At the first election for city offices held under the provisions of this charter, and biennially thereafter at the general municipal elections, there shall be elected a Mayor, Treasurer, City Clerk, and five Councilmen. The Mayor, Treasurer, and City Clerk shall hold for a term of two years; but the same person shall not be eligible for election as Mayor for more than two consecutive terms.

Councilmen.

Of the Councilmen, four shall be elected for the wards; that is, one for each ward, and one at large. The nominations of Councilmen for wards shall be made by the respective wards, and the person nominated shall be a resident of the ward for which he is chosen. Nominations for Councilmen at large

shall be from the city at large. The certificates of nomination shall show whether the person is nominated at large or by ward, and in the latter case the name of the ward for which he stands. The official ballots shall be made to correspond. All candidates for Councilmen, whether at large or from the wards, shall be voted for by the electors of the entire city without respect to wards; and the nominee in each ward having the highest number of votes shall be declared the Councilman-elect from that ward.

The members of the Common Council chosen at the general municipal election in 1898, if prior to that time this charter shall have been approved by the Legislature, shall so classify themselves by lot that three of them shall hold from the date of their election and qualification to the first Monday in July, 1902, and two of them from the date of their election and qualification to the first Monday in July, 1900. If the first general municipal election be not held until April, 1898, the Councilmen elected shall so classify themselves that three of them shall hold from the date of their election and qualification to the first Monday in July, 1903, and two of them from the date of their election and qualification to the first Monday in July, 1901.

At each election after the first general municipal election, Councilmen shall be elected to succeed those whose terms are about to expire, and they shall hold office for four years.

SEC. 10. At the first municipal election after this charter has been approved by the Legislature, there shall be elected fourteen qualified electors of the city, who, with the Mayor-elect, shall constitute an Appointing Board, to appoint the first members of the following boards of city officers, to wit: A Board of Health, Board of Education, Board of Free Public Library Trustees, Board of Park Commissioners, and Board of Police and Fire Commissioners.

Within ten days after the notice of their election the members of the Appointing Board shall file their certificates of election with the oath of office attached in the office of the City Clerk, and shall, within ten days after their qualification, at the call of said Mayor, stating the time and place, assemble and appoint the said several boards of city officers. At least eight affirmative votes shall be required for an appointment.

Each board appointed shall consist of five members. The City Clerk shall be ex officio secretary of said Appointing Board, and keep a journal of its proceedings, which said journal shall be filed in the office of the City Clerk when said board finally adjourns.

The persons so appointed shall take office on the first Monday of July succeeding their appointment and shall become the legal members of said boards to which they were appointed, with all the powers and duties conferred or imposed by law or ordinance on such boards respectively.

When all appointments have been made, and the appointees have qualified, the Appointing Board shall become *functus officio*. The members of the respective boards above enumerated

Boards to  
classify.

shall so classify themselves by lot that the terms of office of the members shall expire in the manner following, that is to say: One member of the Board of Free Public Library Trustees shall go out of office at the end of the first year, one at the end of the second, one at the end of the third, and two at the end of the fourth year from the date on which they took office; of the Board of Education, two members shall go out of office at the end of the first year, one at the end of the second, one at the end of the third, and one at the end of the fourth year from the date on which they took office; of the Board of Police and Fire Commissioners, one member shall go out of office at the end of the first year, two at the end of the second, one at the end of the third, and one at the end of the fourth year from the date on which they took office; of the Board of Park Commissioners, one member shall go out of office at the end of the first year, one at the end of the second, two at the end of the third, and one at the end of the fourth year from the date on which they took office; of the Board of Health, one member shall go out of office at the end of the first year, one at the end of the second, one at the end of the third, and two at the end of the fourth year from the date on which they took office.

All appointees to said boards, subsequent to those made by the Appointing Board, shall hold for a term of four years.

Mayor  
to fill  
vacancies.

As the terms of the members of the several boards shall expire, the Mayor shall fill the vacancies by appointment, and the appointees shall hold for four years.

Office is  
vacant,  
when.

SEC. 11. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of official duty, or is removed from office, or ceases to be a resident of the city, or neglects to qualify by taking the oath of office, and filing his official bond within the time prescribed by law or this charter, or shall absent himself from the city for more than fifteen days consecutively, without leave of the proper authority. The Mayor and Common Council shall not grant a leave of absence for a period longer than sixty days, in any case, except for the purpose of transacting official business.

Leave of  
absence.

Vacancy  
in appoint-  
ive office,  
how filled.

A vacancy in any appointive office shall be filled for the unexpired term, by the board or officer having power under this charter to fill the office by appointment at the end of the term in which the vacancy occurs.

## Chapter II. Bonds and Salaries.

Official  
bonds.

SECTION 1. Officers of the city, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall execute to said city such official bonds as may be required by law, ordinance, or this charter. When the amount of any bond is not fixed by law, ordinance, or this charter, and power to fix the same is not herein conferred upon any board or officer, it shall be fixed by ordinance. All bonds shall be approved by the Mayor and filed with the Clerk, and shall be recorded by the City Clerk in

a book entitled "Official Bonds," and kept for that purpose, except the bond of the City Clerk, which shall be filed with the Mayor after being so recorded. The approval of every official bond must be indorsed thereon and signed by the officer approving the same, after the examination of the sureties as hereinafter provided.

SEC. 2. The following officers shall respectively execute to the City of San José official bonds, with sureties, in the following sums, viz.:

Mayor .....	\$5,000 00
Treasurer and Collector.....	50,000 00
Clerk .....	5,000 00
Councilmen, each.....	2,500 00
Chief of Police.....	5,000 00
City Engineer.....	5,000 00
Superintendent of Streets.....	5,000 00
Superintendent of Schools.....	2,500 00
City Attorney.....	1,000 00
Chief Engineer of Fire Department.....	1,000 00

SEC. 3. City officers shall not be accepted as surety for each other on official bonds. Every bond shall be made payable to the City of San José and contain a condition that the principal will faithfully perform all official duties then or that may thereafter be imposed upon or required of him, and that at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Said bond must be executed by two or more sureties, but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions of not less than twenty-five hundred dollars; when there are more than two sureties, said sureties may justify in an amount which, in the aggregate, shall equal double the amount of said bond. The Mayor and Common Council may require the Treasurer to give a surety company bond, in which case the expense of such bond shall be borne by the city.

SEC. 4. Every surety upon an official bond must justify in the manner prescribed by the Political Code of this State for official bonds.

SEC. 5. When an official bond is required of an officer the Mayor and Common Council may require an additional bond if, in their opinion, the original bond or any surety thereto becomes insufficient. If such additional bond be not given forthwith, the Mayor and Common Council must declare the office vacant, and thereupon it shall become vacant.

SEC. 6. The officers hereinafter named shall receive the following annual salaries:

Mayor .....	\$2,000 00
Councilmen, each.....	300 00
Treasurer and Collector.....	1,500 00
Clerk .....	1,500 00
City Attorney.....	1,500 00
Chief of Police.....	1,500 00

City Engineer .....	\$1,800 00
Street Superintendent .....	1,200 00
Health Officer .....	300 00

Salaries of all officers shall be payable monthly.

### ARTICLE III.

#### LEGISLATIVE DEPARTMENT.

##### *Chapter I. The Common Council.*

**Common Council.** SECTION 1. The legislative power of the city is hereby vested in a Common Council consisting of five members, three of whom shall constitute a quorum; but a less number may adjourn from time to time or compel the attendance of other members. No order, except to adjourn for lack of a quorum or to compel the attendance of a quorum, and no ordinance or resolution, shall be valid unless it receive the affirmative votes of three Councilmen.

**Ordinances.** SEC. 2. Ordinances and resolutions are the formal acts of the Council reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts which, being less formal in character, require only to be duly passed by the Common Council and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the Mayor. In the case of orders the approval of the Mayor shall be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the Mayor, who shall, within five days after he has received the same, indorse his approval or disapproval thereon, giving the reasons for his disapproval. No ordinance or resolution shall be placed upon its final passage in the Council upon the same day that it has been introduced and read in full the first time; and every ordinance to be valid must be passed by a vote of not less than three Councilmen and approved by the Mayor; *provided*, that if the Mayor fail to approve the same, it may be passed by a vote of not less than four Councilmen, and shall then take effect as if approved by the Mayor.

**Mayor's duties** SEC. 3. The style or enacting clause of all ordinances shall be "Be it ordained by the Mayor and Common Council of the City of San José, as follows."

**Enacting clause.** SEC. 4. The Common Council shall have power to adopt rules for its own proceedings; to compel the attendance of witnesses and the production of papers in any matter under investigation; to judge of the qualifications and election of its own members; to punish any member or other city officer by a fine not exceeding fifty dollars for disorderly or contemptuous behavior in its presence, and may expel a member or any city officer for continued neglect of his duties or the willful violation of any penal law or any provision of this charter; but in every case the member or officer accused, if holding office for a

**Rights of Council.**



definite term, shall be entitled to have written charges preferred and be heard in his own behalf.

The ayes and noes shall be taken and entered in the journal of its proceedings at the request of any member; and must be so taken and entered upon the passage of all ordinances and resolutions, and in matters concerning the granting of franchises, making of contracts, allowing bills, ordering work to be done, or supplies to be furnished, disposing of city property, or any act that may involve the payment of money or the incurring of a debt against the city. Ayes and noes.

SEC. 5. All meetings of the Common Council shall be public, and the regular meetings shall be held on each Monday in the month, unless that day be a legal holiday, when the meeting shall be held on the following day. Adjournments may be taken from a meeting to a day certain, and in such case the adjourned meeting shall be deemed a continuance of the session. Meetings.

SEC. 6. The Mayor shall preside at all meetings of the Common Council, but shall not be entitled to vote. In the absence of the Mayor from a meeting, the Common Council may choose one of their own number to preside, who shall retain the right to vote upon all questions under consideration, and shall have the same power to disapprove any order made by the Common Council, and with like effect, as the Mayor would have had if present at the meeting. Mayor shall preside.

In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the Mayor is unable to perform the duties of the office, the Common Council shall appoint one of their own number Mayor pro tem., who shall have all powers and authority which the Mayor would have possessed if personally present and attending to such duties; but such Mayor pro tem. shall not lose his vote as Councilman. Vacancy in office of Mayor.

## *Chapter II. Subjects of Legislation.*

SECTION 1. The Mayor and Common Council shall have power:

First—To make and enforce all such local, police, sanitary, and other regulations as pertain to municipal affairs, and for this purpose may define misdemeanors committed within the city limits or on lands under jurisdiction of the city, and provide for their punishment although the offense constituting the misdemeanor be also a violation of the penal laws of the State. Subjects of legislation.

Second—To define nuisances and to provide for their removal.

Third—To impose municipal licenses either for revenue or for regulation.

Fourth—To levy and collect taxes.

Fifth—To maintain a fire department, prescribe fire limits, and regulate for the protection of the city against fire.

Sixth—To maintain a police force.

Seventh—To protect the city against overflow.

Subjects of  
legislation.

Eighth—To prohibit and suppress gambling and gambling houses, lewdness and houses of ill-fame, and all indecent and immoral amusements and exhibitions.

Ninth—To prohibit the storage of gunpowder, oils, or other combustible substances in quantity.

Tenth—To regulate hospitals, pest-houses, and slaughter-houses, and to provide for their removal or discontinuance.

Eleventh—To provide cemeteries and regulate their management.

Twelfth—To establish and regulate a public pound.

Thirteenth—To provide a city prison, and require that prisoners undergoing sentence for misdemeanor shall perform such labor as may be prescribed.

Fourteenth—To construct and repair sewers, public buildings, and structures.

Fifteenth—To repair, clean, sprinkle, widen, straighten, and improve streets and sidewalks, and to open and close up streets.

Sixteenth—To impose, collect, and appropriate fines, penalties, and forfeitures for the commission of misdemeanors; but no penalty for the violation of an ordinance shall exceed the sum of one hundred dollars or imprisonment exceeding thirty days. The violation of any lawful order, resolution, or ordinance made by the Mayor and Common Council, or by any board or department of the city, shall constitute a misdemeanor, and shall be prosecuted in the name of the people of the State of California.

Seventeenth—To grant franchises, but there must be exacted for each franchise granted a certified check in an amount to be determined by the Common Council, to be forfeited to the city upon the failure to begin and finish the work required by the franchise.

Eighteenth—To maintain public schools and free public libraries.

Nineteenth—To sell or otherwise dispose of any or all the property of the city; *provided*, that none of said property shall be mortgaged or hypothecated for any purpose. No park or reservation shall be sold or leased, except a portion of the city reservation, or Alum Rock Park, may be leased for hotel purposes only, not exceeding two and one half acres, for a term of not more than twenty-five years, but no such lease shall in any manner restrict or interfere with the free use of the waters and grounds of the park by the public. The lessee shall be required by the terms of the lease to erect hotel buildings at a cost of not less than twenty-five thousand dollars. Said lease shall further provide that the premises leased and the business conducted thereon shall at all times be subject to such rules and restrictions as may be prescribed by the Park Commissioners. Any violation of the conditions of said lease shall constitute a forfeiture thereof, and the Mayor and Common Council shall enforce such forfeiture by proper proceedings.

Twentieth—To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and to prescribe for any officer duties other than those herein prescribed.

Twenty-first—To pass all orders, resolutions, and ordinances necessary or proper to a complete execution of the powers vested by law or inherent in the municipality.

## ARTICLE IV.

### REVENUE.

SECTION 1. On or before the last Monday in July in each year the City Clerk shall transmit to the Mayor and Common Council, accompanied with the estimates and reports of each department, an estimate of the probable necessities of the city government for the fiscal year, stating the amount required, to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. Such estimate shall also show what amount of income and revenue will probably be collected from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

Revenue  
and taxation.

SEC. 2. The Mayor and Common Council shall have full power and authority to assess and levy and collect taxes upon all taxable property in the city; *provided*, the maximum rate of taxation shall not exceed in any one year \$1 upon each \$100 valuation of property assessed, exclusive of the amount necessary to pay the principal and interest on the bonded indebtedness of the city.

Maximum  
rate.

SEC. 3. The Mayor and Common Council, on or before the first Monday of February, 1898, and annually thereafter while any valid law exists for the assessment and collection of city taxes by officers of the County of Santa Clara, shall pass an ordinance electing to avail the City of San José of the provisions of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the service so rendered to such municipal corporations," approved March 27, 1895, and shall cause a certified copy of such ordinance to be filed with the Auditor of said County of Santa Clara. If said Act shall be amended, or some other law be substituted in its stead, providing for the assessment and collection of city taxes by county officers, the Mayor and Common Council shall conform to the provisions of such amended Act or such law, in order to avail the city of the privilege of having its taxes assessed and collected by such county officers.

Levy and  
collection  
of taxes;  
county  
officers to  
act.

Until an ordinance shall be passed as aforesaid, to avail the

City Clerk  
and City  
Treasurer  
temporary  
tax offi-  
cials.

city of the privilege of having its taxes assessed and collected by the officers of said county, the City Clerk shall be ex officio Assessor; the City Treasurer in office when this charter is adopted shall be ex officio Tax Collector until the expiration of his term for which he was elected; they shall perform respectively the duties and have all the powers prescribed by law or ordinance for Assessors and Tax Collectors. While the city avails itself of the privilege of having its taxes assessed and collected by the county officers, the offices of City Assessor and City Tax Collector shall be abolished, but may be restored by ordinance when it becomes necessary or expedient so to do.

The taxes so levied and collected shall be apportioned by the Treasurer to the several specific funds.

Council  
shall pro-  
vide for  
collection,  
etc.

SEC. 4. Subject to the provisions of Section 3 of this article, the Mayor and Common Council shall have power, and it is hereby made their duty, to provide by ordinances for the levying and collecting of all city taxes, and in so doing shall be governed by the state laws in reference to the levying and collecting of state and county taxes, as far as applicable, and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for state and county purposes. Said taxes so levied shall be a lien against the property assessed, and said lien shall attach as of the first Monday of March, at 12 m. of each year.

Special  
election  
for issue of  
bonds.

SEC. 5. Whenever the Mayor and Common Council shall, by ordinance, determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, the Mayor and Common Council is hereby given the power and authority to call a special election, and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the Mayor and Common Council may issue bonds of said city in evidence of said indebtedness; *provided*, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed five hundred thousand dollars.

## ARTICLE V.

### FINANCE.

#### *Chapter I. Limit to Expenditure.*

Limit to  
expendi-  
ture.

SECTION 1. It shall not be lawful for the Common Council, or any department of the city government having power to incur, authorize, or contract liabilities against the treasury, to incur, authorize, or contract any expenditure or demand against

any of the specific funds in the treasury which, taken with all other expenditures, indebtedness, or liability made or incurred up to the time in the quarter of making or incurring the same, shall exceed one-fourth part of the money provided for such expenditure, indebtedness, or liability (actually collected and paid into the treasury) as and for the income and revenue for the fiscal year in which such liability, expense, or demand is incurred, and apportioned to the specific fund to be charged therewith.

SEC. 2. If at the end of any quarter any money remains unexpended in any of the specific funds, and which might lawfully have been expended during such quarter, such unexpended sum or sums, except so much thereof as may be requisite to pay all unpaid claims upon such specific fund that are outstanding, shall be carried forward in the same specific fund and expended by order of the Common Council, or of the department having the fund in charge, in any succeeding quarter of the same fiscal year, but not afterwards, except in payment of claims lawfully incurred during such fiscal year.

Funds un-  
expended  
at end of  
quarter.

SEC. 3. All contracts, appropriations, allowances, payments, or liabilities to pay made in violation of the provisions of this chapter shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury. All members of the Common Council and of each board and department of the city government are charged with notice of the condition of the treasury, and of the extent of the demand against the same, and any member violating the provisions of this chapter shall forfeit the office which he holds, unless he was not present when such liability was incurred, or if present, caused his dissent therefrom to be entered on the minutes at the time.

Contracts,  
etc., when  
void.

SEC. 4. In case of great calamity, casualty, or other unforeseen occurrence, by which the enforcement of the provisions of this chapter would be detrimental to the public interests, the Common Council, or any board or department of the city, by unanimous vote of the members constituting the Common Council or such board or department, may, by resolution, specifying the reasons, suspend the operation of the provisions of this chapter for a period not exceeding three months; but such resolution shall have no effect unless the Mayor indorse his approval thereon.

When  
provisions  
may be  
suspended.

SEC. 5. The operation of the provisions of this chapter requiring the revenue for the fiscal year to be actually paid into the treasury before any expenditure can be made or liability incurred against any specific fund shall be suspended, if at the beginning of the first fiscal year after the adoption of this charter there shall not be sufficient money in said several funds, added to what would be available from other sources, to meet all legal demands against the treasury for the first five months of said fiscal year. In such case the Mayor and Common Council shall create a fund to be known as the cash-basis fund, for the purpose of putting the payment of the running expenses of the city government upon a cash basis, and to be used for no other purpose, and annually thereafter until the

Same.

Cash-basis  
fund.

purpose for which said fund was created has been accomplished, shall, at the time of levying other city taxes, levy not less than five cents on the one hundred dollars assessed valuation of property for such fund. This tax of five cents shall be within the one-dollar limit fixed by this charter in Section 2 of the article on revenue. The money thus collected shall be allowed to accumulate in said fund until it shall be sufficient, together with the money already in said specific funds, to meet all legal demands against such funds for the first five months of the next succeeding fiscal year. At the beginning of said fiscal year the Mayor and Common Council shall direct the Treasurer to apportion, and the Treasurer shall apportion the money in said fund to the several specific funds in like manner as other moneys are apportioned. When the money in said fund is so apportioned, said cash-basis fund shall be abolished, no further levy as provided in this section shall be made, and the said suspended provisions of this chapter shall thereafter become and continue in full force and effect.

Treasurer  
to appor-  
tion funds.

### Chapter II. *Payment of Claims.*

CLAIMS TO BE VERIFIED. SECTION 1. Every claim and demand against the city, except bonds, coupons for interest, claims payable from the school fund, or from funds not controlled by the Mayor and Common Council, shall be verified and filed with the City Clerk, specifying in detail the goods furnished, the service performed, or other basis of the claim, and by what authority the goods were furnished or the service performed, giving date of the same, and the amount of the claim.

ALLOWANCE OF CLAIMS. SEC. 2. After allowance by the Common Council, the City Clerk shall present such claim or demand to the Mayor, who, within five days thereafter, shall indorse thereon or annex thereto his approval or disapproval and return it to the City Clerk. The Mayor may approve a claim in part, but where a claim is disapproved in whole or in part, the reasons of the Mayor must be given in full. The Common Council, by the affirmative votes of four of its members, may allow a claim or such portion of a claim as the Mayor has disapproved, but not otherwise.

WARRANT. SEC. 3. Upon the allowance of any claim a warrant shall be drawn on the City Treasurer in favor of the person to whom the allowance was made, specifying for what the warrant is drawn, the fund out of which it is to be paid, and that it can be paid only from the money actually collected and in the fund. The warrant shall be signed by the Mayor and countersigned by the City Clerk.

CLAIMS MUST BE VERIFIED AND APPROVED. SEC. 4. Every claim against funds in the city treasury which may have been incurred or authorized by the Board of Education, the Board of Police and Fire Commissioners, the Board of Health, the Board of Park Commissioners, or the Trustees of the Free Public Library shall be verified and presented to the board incurring or authorizing the indebtedness, who shall approve or disapprove the claim. It shall require

at least three members voting in the affirmative to approve any claim. The president and secretary of the board or commission must certify the fact of such allowance, together with the amount allowed, the date of allowance, the name of the person or persons to whom the allowance is made, and the nature of the claim, to the City Clerk, who shall present the same to the Mayor for his approval, and upon its being approved, the City Clerk shall draw a warrant on the City Treasurer on the proper fund in payment of the same, which warrant must be signed by the Mayor and countersigned by the City Clerk. If the Mayor, within five days after presentation to him of the certificate of allowance as aforesaid, refuses to approve all or any portion of the claim so certified, or any item of a claim allowed, he must indorse his disapproval on the certificate and briefly give his reasons therefor. He must also transmit to the board or commission allowing the claim a statement of the fact of his refusal to approve the claim or any portion thereof and his reasons therefor. The claim or any portion thereof so disapproved can only be passed and ordered paid by the affirmative votes of four members of the board or commission from whom the authority for the claim was derived.

Mayor's  
disap-  
proval.

Passage of  
disapprov-  
ed claim.

SEC. 5. To all claims there shall be attached, before filing, the affidavit of the claimant that the supplies or materials for which the charge is made have been furnished in quantity and quality, according to contract, and that the service has been rendered as ordered.

Affidavit.

SEC. 6. No claim for commodities furnished or service performed shall be valid unless, prior to furnishing such commodities or the rendition of the service, authority for the same was given by the Common Council or some department of the city government having authority so to do.

Claims  
must be  
author-  
ized.

No member of the Common Council or member of any department, and no city officer, shall have power to create any indebtedness against the city, or to furnish the basis of a claim, without said authority. A violation of this section shall be a misdemeanor.

No supplies, materials, or other item of expenditure, for an amount exceeding \$100 shall be ordered or purchased by the Mayor and Common Council or any board or department of the city authorized to incur any expenditure, except after first advertising for sealed proposals, and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by a certified check in an amount not less than ten per cent of the sum bid, which check must be forfeited to the city upon the failure of the person, firm, or corporation bidding to enter into the contract awarded. All contracts awarded by the Mayor and Common Council shall be by ordinance or resolution. A sufficient bond, payable to the city, with two or more sureties, shall be required to secure a faithful performance of each contract awarded.

In excess  
of \$100,  
must ad-  
vertise for  
sealed  
proposals.

*Chapter III. Of the Several Funds.*

Treasurer  
to ap-  
portion  
revenue.

SECTION 1. The revenue paid into the treasury shall be at once apportioned by the Treasurer and be kept in separate specific funds as hereinafter provided, and it shall not be lawful to transfer money from one fund to another, or use the same in payment of demands upon another specific fund, except temporarily in payment of the principal or interest of the present bonded indebtedness.

Interest  
and sink-  
ing funds.

SEC. 2. The several interest and sinking funds in the treasury authorized by law at the time this charter takes effect shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.

Specific  
funds.

SEC. 3. There shall be opened by the Treasurer the following specific funds, to wit: School Fund, Police Fund, Street Light Fund, Street Contingent Fund, Sewer Fund, Fire Department Fund, Health Department Fund, Park Improvement Fund, Library Fund, and General Fund.

Of what  
each fund  
consists.

The Mayor and Common Council, at the time of making the annual tax levy, shall levy for each of said specific funds an amount sufficient to meet the necessary expenditures therefrom. Said funds shall consist of moneys so levied and of such other moneys as may properly be apportioned thereto. In addition there shall be apportioned to the school fund all moneys arising from the sale, rent, or exchange of school property. The amount of money levied for grammar and primary schools shall be paid by the City Collector into the county treasury to the credit of the city school fund; to the park improvement fund all moneys accruing from rents of grounds, permits in the park, from public property under the control of the Park Commissioners, from the sale of articles from said parks, and moneys coming into said fund by donation or bequest; to the library fund all moneys accruing to said fund by donation or bequest; to the general fund, the moneys paid for fines or fees, for licenses, and all other moneys not directed to be paid into any other specific fund.

School  
fund.

SEC. 4. Out of the school fund shall be paid all sums necessary for the purchase, rent, and improvement of school sites; for the rent, furnishing, construction, alteration, and repair of school buildings; for the discharge of incumbrances on school property; for the salaries and wages of teachers, officers, and employes connected with or employed in the school department; for supplying the schools with lights, fuel, water, apparatus, and necessary school appliances, and for such other expenses of the school department as are necessary for the maintenance and proper conduct of the schools of the city.

Police  
fund.

SEC. 5. Out of the police fund shall be paid the salaries of the regular police force and all sums necessary for providing police stations, implements, and appliances, and such amount of money for the contingent expenses of the police department as the Board of Commissioners deem necessary.



SEC. 6. Out of the street light fund shall be paid all sums authorized to be paid for lighting the streets and such public buildings, offices, and institutions as are not specially provided to be maintained out of some other specific fund. Light fund.

SEC. 7. Out of the street fund shall be paid all sums authorized to be paid for repairing and improving streets, which shall have been accepted so as to become a charge upon said city; for cleaning streets, crossings, and sewers; for street sprinkling; for all street work in front of or assessable upon property owned by said city or any department thereof, or by the Government of the United States; for all repairs upon the public streets deemed of urgent necessity; for all work authorized by the Mayor and Common Council which may be necessary for public health, or which cannot be assessed upon private property; and for all other expenditures on the streets and highways deemed necessary by the Mayor and Common Council and authorized by any provision of this charter. Street fund.

SEC. 8. Out of the sewer fund shall be paid all sums authorized to be paid for the construction and repair of such sewers or system of drainage as may be ordered by the Mayor and Common Council, and which is not chargeable upon private property. Sewer fund.

SEC. 9. Out of the fire department fund shall be paid the salaries and wages of all officers, members, and employés of the fire department, the salaries and wages of the officers, members, and employés of the fire alarm and police telegraph service, and the salary of the secretary of the Board of Police and Fire Commissioners; all sums authorized to be paid for the purchase of all apparatus, appliances, and things of every nature and description necessary for the extinguishment of fires, and for the complete equipment, maintenance, and operation of the department. Fire department fund.

SEC. 10. Out of the health department fund shall be paid the salaries of all officers and employés of the Board of Health, and any and all other salaries and expenses incurred in the administration of said health department, and not expressly provided to be paid out of some other fund. Health fund.

SEC. 11. Out of the park improvement fund shall be paid all sums authorized to be paid for such materials, supplies, tools, machinery, appliances, labor, and service, as well as for seeds, plants, vines, shrubs, trees, animals, and museums, which the Park Commissioners may procure for preserving, improving, and beautifying the public grounds under the control of said commissioners. Park fund.

SEC. 12. Out of the library fund shall be paid the salaries and wages of officers and employés of the public library and reading-rooms, the purchase of books, journals, and periodicals, and such supplies as may be used in the maintenance of said library and reading-rooms. Library fund.

SEC. 13. Out of the general fund shall be paid all claims not provided to be paid out of any other specific fund. General fund.

SEC. 14. If the Mayor and Common Council appropriate money for any other purpose besides those enumerated in this Other funds.

chapter, it shall at once, when paid into the treasury, be apportioned by the Treasurer and kept in a separate specific fund, which shall receive an appropriate designation, and out of said fund shall be paid only such demands as are properly chargeable thereto within the purposes of such appropriation.

SEC. 15. Any moneys remaining at the end of any fiscal year in any fund shall be carried forward to the same fund for the ensuing fiscal year.

Unpaid  
demands.

SEC. 16. Any demand against the treasury, or against any fund thereof, remaining unpaid at the end of the fiscal year for lack of money in the treasury applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes, or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

## ARTICLE VI.

### EXECUTIVE DEPARTMENT.

#### *Mayor.*

Mayor,  
qualifica-  
tions and  
duties.

SECTION 1. The chief executive officer of the City of San José shall be designated the Mayor. He shall be at least thirty years old, a citizen of the State, and a resident and qualified elector of the city for the five years next preceding the day of his election. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property. The books, records, and official papers of all departments, boards, officers, and persons, in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers, and persons are kept in legal and proper form. Any defalcation, or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the Common Council, in order that the public interests may be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Common Council information, in writing, relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have the books and records of all public departments pertaining to the finances of the city experted by a competent person at least once in every year. Any person refusing to submit to or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor and removed for malfeasance in office. He shall have a general supervision over all the departments and public

institutions of the city, and see that they are honestly, economically, and lawfully conducted. Duties of Mayor.

SEC. 2. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

SEC. 3. The Mayor, with the consent of the Common Council, shall appoint all officers and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term, and they shall possess the qualifications prescribed by this charter for eligibility to their respective offices.

SEC. 4. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. He shall have the general supervision of all city officers elected or appointed.

He shall have power to suspend any city officer, except a member of the Common Council, for a dereliction, neglect, or non-performance of duty, and shall immediately in writing report the same to the Common Council. If the Common Council, after a hearing, approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Common Council. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 5. The Mayor may, in writing, call special meetings of the Common Council. The call shall state the object of the meeting, and no business other than that stated therein shall be transacted.

#### *City Attorney.*

SEC. 6. Immediately after his election and qualification the Mayor, with the consent of the Common Council, shall appoint an attorney for the city, who shall be known as the City Attorney, and shall hold his office for two years, unless sooner removed for cause. The City Attorney shall have been an elector of the city for at least two years before his appointment. He shall be duly admitted to practice by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least five years next before his appointment. It shall be his duty to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion in writing, whenever required in writing by the Mayor, Common Council, City Attorney.  
Qualifications.  
Duties.

any board or department, or city officer. He shall be the legal adviser of all city officers; he shall draft and approve the form of all official or other bonds given to and all contracts made with the city; he shall draft, when requested by the Mayor or Common Council, or any member thereof, any and all proposed ordinances, resolutions, or orders of the Common Council, and shall do and perform all other things touching his office required of him by the Mayor or Common Council. The City Attorney may be removed from office for cause.

*Superintendent of Streets.*

Superintendent of Streets.  
Duties.

SEC. 7. The Mayor, with the consent of the Common Council, shall appoint a Superintendent of Streets, who shall hold office for two years. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by law and the Mayor and Common Council. The Superintendent of Streets shall have authority, other than as prescribed by the Act mentioned in Section 1, Chapter 1, Article VIII of this charter, as follows:

First—To have the general management and supervision of all public streets, under the regulations and directions of the Mayor and Common Council.

Second—To grant permits, under such regulations as the Mayor and Common Council may adopt, for the opening up of any portion of the public streets; for the temporary use of any part of any public street in front of a new building to be erected, or of an old building to be repaired; for the moving of houses, or for any other purpose other than the public use of any street.

Third—To remove, under direction of the Mayor and Common Council, all obstructions in the public streets.

Fourth—To superintend all necessary repairs of public streets not let by contract and ordered done by the Mayor and Common Council, and to make and superintend such other repairs of streets, sewers, drains, or river banks and channels, as are in their nature an immediate and pressing necessity, and cannot be delayed without great inconvenience or damage to the public and come within the emergency cost limit prescribed by this charter.

Fifth—To have immediate control of the "corporation store yard."

Sixth—To perform such other services relating to public works as may be made his duty by law or ordinance.

*City Clerk.*

Duties of City Clerk.

SEC. 8. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, and other documents belonging to his office; to attend all the meetings of the Common Council and keep a journal of its proceedings. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and

records shall be kept properly indexed and be open to public inspection during office hours. He shall number and keep a record of all demands allowed and certified to him by the boards and commissions created by this charter, which allowance has been approved by the Mayor, showing the date of approval, to whom the same is allowed, the nature of the claim, and the fund out of which the same is payable. He shall keep a complete set of books for the city in which shall be set forth in a plain, business-like manner every money transaction, so that he can at any time tell the exact condition of the finance of the city. He shall report to the Mayor monthly the condition of each fund in the treasury. He shall make an annual report showing the sources from which the city's revenues were derived and how expended for the previous fiscal year. He shall issue all licenses and draw and countersign all warrants on the treasury. He shall prepare and present to the Mayor and Common Council on the fourth Monday of July of each year an estimate of the probable necessities of the city for the fiscal year, and shall do and perform all other acts required of him by this charter, or which may be required of him by the Mayor and Common Council not inconsistent with the duties of his office.

Duties  
of City  
Clerk.

*Treasurer and Collector.*

SEC. 9. The Treasurer shall be ex officio Tax Collector. He shall collect licenses, and as Tax Collector shall perform the duties prescribed by law and the Mayor and Common Council. The Treasurer shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures under such rules and regulations as may be prescribed. He shall make a monthly statement to the Mayor and Common Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law and the Mayor and Common Council. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by this charter. He shall not deposit any moneys or public documents in his custody or under his control with any individual, firm, or corporation; but all such moneys and public documents must at all times be kept in the vaults of the city treasury. If he shall violate any of the provisions of this section he shall forfeit his office.

Duties of  
Treasurer  
and Tax  
Collector.

*Chief of Police.*

SEC. 10. The Chief of Police, for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by deputies, police officers, watchmen, and constables in the city, and every citizen shall also lend him aid, when

Duties and  
powers of  
Chief of  
Police.

Duties and powers of Chief of Police. required for the arrest of offenders and maintenance of public order. He shall execute and return all process issued and directed to him by any legal authority; he shall enforce all ordinances passed by the Mayor and Common Council, and arrest all persons guilty of a violation of the same; he shall prosecute before some competent tribunal for all breaches or violations of city ordinances. He shall also have charge of the city prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works of the city, and shall see that all orders and sentences in reference thereto are fully executed and complied with, and shall perform such other duties as may be prescribed by the Board of Police and Fire Commissioners.

*City Engineer.*

City Engineer.

SEC. 11. The Mayor shall, by and with the consent of the Common Council, appoint a civil engineer and surveyor, who shall be known as the City Engineer. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by the Common Council. He shall have at least five years' practical experience as a civil engineer. He shall possess the same power in said city in making surveys, plats, and certificates as is or may be from time to time given by law to County Surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of County Surveyors.

Duties.

The duties of the City Engineer, other than those prescribed by the Act mentioned in Section 1 of Chapter 1, Article VIII, of this charter, shall be as follows:

First—To attend all Council meetings held for the purpose of discussing, ordering, or accepting public work, and advise the Council as to all engineering questions.

Second—To examine and report, when requested by the Mayor and Common Council, upon any proposed improvement, repair, or change in the public works of the city, not coming under the provisions of said Act.

Third—To perform all civil engineering and surveying necessary in the prosecution of such public work, prepare all plans and specifications, superintend their execution as far as their general scope is concerned, and certify as to the progress or completion of all such public work, improvement, change, or repair.

Fourth—To take especial charge of the system of underground street monuments and bench marks; reset them without delay, if by reason of street improvement, sewer work, or any other cause they should be disturbed or permanently covered with concrete, bitumen, or otherwise, and to extend the system of underground street monuments as fast as the state of his work will permit, so as to cover all streets within the city limits.

Fifth—To keep all notes, books, and maps in his office thoroughly indexed and systematically arranged in such a

manner that his work may be picked up at any time by any competent engineer. Duties of City Engineer.

Sixth—To give his exclusive time to the services of the city, and perform such other engineering duties as may be required of him by the Mayor and Common Council.

The City Engineer may appoint such deputies and assistants, not exceeding the number that may be fixed by the Mayor and Common Council, as the duties of his office may require. The deputies and assistants so appointed shall receive such compensation as may be fixed by the Mayor and Common Council, and they, or any of them, may be removed at pleasure by the City Engineer. All maps, plats, field notes, records, and other data made by the City Engineer shall be the exclusive property of the city. Deputies and assistants.

## ARTICLE VII.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the city shall be vested in a Police Court, consisting of one Police Judge to be elected as other city officers are, at the general municipal elections of the city and to hold office for two years. He shall be a qualified elector of said city. He shall be furnished by the city a suitable court-room and office, and shall be paid by the city a salary of two thousand dollars per annum. Any vacancy in his office shall be filled by the Mayor, with the consent of the Common Council. The city shall also provide a clerk and police officers for said court. Police Court.

SEC. 2. The powers, jurisdiction, and authority of said Police Court shall be as provided by law and the ordinances of the city. Said court shall be always open for the transaction of business, except on legal holidays. Police Judge. Jurisdiction of Police Court.

SEC. 3. The foregoing provisions of this article shall not take effect until the Mayor and Common Council shall deem it necessary or expedient to establish a Police Court, as above provided for, and shall by ordinance so declare and establish the same. Until the Mayor and Common Council shall so ordain, the provisions of the general laws of the State applicable to City Justices of the Peace shall be and continue in full force and effect. In effect, when.

## ARTICLE VIII.

### PUBLIC WORKS.

#### *Chapter I. Improvement of Streets.*

SECTION 1. An Act of the Legislature of the State of California 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, as since amended, and as hereafter shall be amended, is hereby adopted as a part of this charter, and shall have the same General street law to govern.

force and effect as if incorporated at length herein, except where the provisions of said Act conflict or are inconsistent with the provisions of this charter.

Duty of Superintendent of Streets in certain cases.

SEC. 2. When the estimated expense of any improvement being made under said Act exceeds two dollars per front foot along each line of the street proposed to be improved, the Superintendent of Streets, at the time of posting along the street the notices of the passage of the resolution of intention, shall cause to be deposited on the front doorstep of each dwelling fronting on the proposed improvement a copy of Part I of said Act.

Same

SEC. 3. If the improvement is being made under the provisions of Section 13 of said Act, with the notice requiring the repair or reconstruction to be made, the Superintendent of Streets shall, in like manner, deposit a copy of Sections 13, 14, 15, 16, and 17 of said Act, and also a copy of any ordinance passed pursuant to Section 15 of said Act.

Bonds, if issued

SEC. 4. If bonds are to be issued pursuant to an Act of the Legislature entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, and any assessment less in amount than \$50 remains unpaid for thirty days from the date of the warrant, or for five days after final decision on appeal, as provided in Section 11 of said Act, the Mayor and Common Council may, by resolution, order such assessment paid from the street contingent fund, and the Superintendent of Streets shall thereupon release said assessment on the books of his office as upon payment in other cases.

Monthly statement to be filed by Superintendent of Streets.

SEC. 5. At the beginning of each month the Superintendent of Streets shall file with the City Clerk a statement, verified by his oath, containing such items of expense of improvements made during the preceding month which could have been charged under the provisions of said Act as incidental expenses; said statement shall also show what amounts have been collected and what disposition has been made thereof. The City Clerk shall lay such statement before the Mayor, who shall carefully examine the same, and if he finds that the provisions of said Act in relation to the collection of incidental expenses have been observed, shall indorse his approval on said statement, and deposit it with the Clerk. The Mayor and Common Council shall not allow any claim for a service which could have been charged as incidental expenses under the provisions of said Act, except when the work is abandoned before letting a contract, or unless such service was ordered by the Mayor and Common Council before it was performed.

To be examined by Mayor.

Bids for public work.

SEC. 6. All bids for public work shall be made upon printed forms, to be prepared by the Superintendent of Streets, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded,



conspired, connived, or agreed, directly or indirectly, with any other bidder or person, to put in a sham bid, or that any other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against said city, or any person interested in said improvement, for himself or any other person. No person, corporation, or firm shall be allowed to make or file or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 7. No surety on any bond required under this article shall be taken unless he be a resident and freeholder in the State of California, and he shall justify (for which a form shall be printed on said bond) that he is such resident and freeholder, and that he is worth the amount for which he becomes surety over and above all his debts and liabilities in unincumbered real property, situated in said State, standing of record in his own name and assessed to him, and on which the taxes are not delinquent. Said bond shall be approved by the Mayor. If such surety be a non-resident of the County of Santa Clara, his sufficiency shall be certified by the Superior Judge of the county where he justifies, whose certificate shall be indorsed on said bond before the same is presented to the Mayor for approval.

Sureties on  
bonds of  
bidders.

A bond of a surety company, organized and existing under the laws of the State of California, may be taken if approved by the Mayor and Common Council.

SEC. 8. When the work under any contract shall have been completed, the contractor shall make out and file in the office of the Superintendent of Streets an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, nor to make any rebate or deduction to him from such price, and no assessment shall be made until said affidavit is filed. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work, other than the property owners who were parties to the agreement, and shall operate to void, as to such persons so defrauded, any assessment made for the work done under said contract.

Affidavit  
of con-  
tractors.

SEC. 9. If any check or bond required to accompany a bid for work authorized by this article shall be forfeited for failure, neglect, or refusal of the bidder to enter into the contract to do said work, the Mayor and Common Council shall not have power to relieve from, or remit such forfeiture unless it be shown by the contractor that errors have been made in the proceedings sufficient to vitiate the contract.

In case  
con-  
tractor's  
bonds are  
forfeited.

SEC. 10. The Mayor and Common Council shall select some place in said city, which shall be known as the "corporation store yard," wherein shall be kept all supplies, material, implements, and machines belonging to said city, and shall provide for the proper care and protection thereof.

Store yard.

*Chapter II. Opening of New Streets.*

New streets.

SECTION 1. An Act of the Legislature of the State of California entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, and any Acts amendatory thereof, or supplemental thereto, now or hereafter made, are hereby adopted as a part of this charter, and shall have the same force and effect as if incorporated at length herein, except where the provisions of said Act or Acts conflict or are inconsistent with the provisions of this charter.

Location and width.

SEC. 2. No street hereafter laid out or opened shall be approved or become a public street unless the same shall be at least sixty feet in width, and two hundred feet distant from any parallel street, except it shall be the extension of a street already in existence.

Maps and plats of additions to city must be approved.

SEC. 3. In all cases where lands in said city shall be hereafter subdivided and laid out in blocks or plats, sub-lots, streets, and alleys, or where new streets or public grounds shall be laid out, opened, donated, or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Mayor and Common Council for approval, and if it approves the same, such approval shall be indorsed on said map or plat, and said map shall then be filed in the office of the County Recorder. Without such approval indorsed thereon, no such map or plat shall have any validity to dedicate to public use any street, alley, or public ground, nor shall any such street, alley, or public ground be subject to any public improvement or expense.

*Chapter III. Of the Sewers and Drainage.*

Sewers.

SECTION 1. The Mayor and Common Council, with the advice of the City Engineer, shall prescribe the location, form, and material to be used in the construction, reconstruction, and repairing of all public sewers, manholes, sinks, drainage, cess-pools, and other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection, and shall, by ordinance, prescribe the penalties of any violation thereof. Contracts for all of said work (excepting private sewers and drains) shall be based upon plans and specifications made by the City Engineer upon an order of the Mayor and Common Council, shall be let in the same manner as prescribed in this charter for other contracts. The work shall be done under the supervision of the City Engineer and Superintendent of Streets, and shall be accepted and paid for out of the sewer fund upon a certificate signed by both said City Engineer and said Superintendent of Streets, stating that the work has been completed to their satisfaction and in every particular agreeable to said

plans and specifications. The Superintendent of Streets shall be sewer inspector.

*Chapter IV. Park Commissioners.*

SECTION 1. The tract of land known as Alum Rock Park, or the City Reservation, shall be under the control and management of a board of five commissioners, who shall be styled "The Board of Park Commissioners." Alum Rock Park.

SEC. 2. Said commissioners shall organize as a board by electing one of the number president, and may elect a secretary, who may be a member of the board. The person so elected president shall hold his office for one year, and until his successor is elected. Organization of Park Commissioners.

Said commissioners shall receive no compensation. Three of said commissioners shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 3. Said Board of Park Commissioners shall have the full and exclusive power to govern, manage, and direct the said park, and such other grounds as have been or shall be placed under its care and charge, subject to the right of the Mayor and Common Council to lease a portion of said reservation as herein provided; to employ and fix the compensation of such employés as may be necessary for the proper care and improvement of the park; to expend the moneys appropriated by the Mayor and Common Council, or received from any source for the purpose of managing and improving said public grounds; to appoint a superintendent, who shall have the same power of arrest as is vested in police officers. Powers of Park Commissioners.

SEC. 4. The park police shall have authority to arrest.

SEC. 5. The board shall have exclusive control and disposition of the moneys provided for the management and improvement of said public grounds.

SEC. 6. It shall be lawful for such Board of Park Commissioners to pass and adopt such rules and regulations as they may deem necessary for the regulation, use, and government of said reservation and grounds under their supervision. Such rules and regulations shall, within five days after their passage, be posted in at least three conspicuous places on said grounds.

SEC. 7. The board shall annually, and on the third Monday of July of each year, make to the Mayor and Common Council of the city a full report of its proceedings, and a detailed statement of its receipts and expenditures, and an estimate of the probable necessities and expenses of the next fiscal year. Report.

SEC. 8. The Common Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not less than three cents upon each one hundred dollars assessed valuation of taxable property within the City of San José, for the purpose of preserving, maintaining, and improving the parks and grounds under the control of the Park Commissioners. All moneys collected and arising from the said tax, Tax levy for park purposes.

and from baths or other sources, shall be paid by the Tax Collector, or other officer collecting the same, into the treasury of said city, and shall be deemed to be thereupon appropriated and set apart for any salary or expenditure incurred in the management, maintenance, preservation, and improvement of said parks and grounds.

## ARTICLE IX.

### SCHOOL DEPARTMENT.

**Schools.** SECTION 1. The school department shall comprise all the public schools in the City of San José, except the state normal school, and shall include primary and grammar schools and high schools, and may, at the discretion of the City Board of Education, include evening schools, kindergartens, and technical or industrial schools; *provided*, that no school moneys shall be used for kindergartens or technical schools when such use will prevent the board from maintaining free, primary, grammar, and high schools for ten months, and the necessary evening schools for four months in each year.

**Board of Education.** SEC. 2. The government of the school department is hereby vested in a City Board of Education consisting of five members, one from each ward and one at large, who shall serve without compensation.

**Qualifications.** SEC. 3. No person shall be eligible to become a member of the Board of Education who is not at least 25 years of age, and who has not been a resident of the city for three years next preceding his or her appointment. Said appointment shall be without regard to politics and from heads of families, irrespective of sex.

**Organization.** SEC. 4. The Board of Education shall enter upon the discharge of their duties on the first Monday in July after their appointment, and the board shall meet upon said date and organize by electing one of their number president, whose term of office shall be one year. They shall hold regular meetings

**Meetings.** at least once each month, at such place and time as may be determined by its rules. Special meetings may be called by the president or by any three members. No business shall be transacted at such special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of three members shall be necessary to pass any order. The sessions of the board shall be public, and its minutes open to inspection.

**Quorum.** The board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded, and they shall be taken and recorded on all questions involving elections or appointments or the expenditure of money.

**Rules** SEC. 5. The powers and duties of the Board of Education are as follows:

**Powers and duties** First—To establish and maintain public schools, as herein provided, and to change, consolidate, and discontinue the same.

Second—To manage and control the school property.

Third—To employ, pay, and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the board shall be construed as a contract, either as to the duration of time or amount of wages of such person.

Board of  
Education:  
powers and  
duties, con-  
tinued.

Fourth—To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

Fifth—To establish and regulate the grade of schools and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the board shall not be changed within a period of four years after its adoption.

Sixth—To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seventh—To select plans for and supervise and control the construction of school buildings; to alter, repair, or rent the same, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

Eighth—To take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the city.

Ninth—To grade, fence, and improve all school lots.

Tenth—To sue or to defend suits when necessary in administering the affairs of the school department.

Eleventh—To determine annually the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same; and the amount so determined by said Board of Education shall be reported in writing to the Mayor and Common Council. This report shall specify the proper items of the amount of money required in addition to state and county school moneys to maintain grammar and primary schools, the amount required for the high school and other city schools, and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones.

The Mayor and Common Council is hereby authorized and required to levy and collect as school tax the amount asked for by the Board of Education, when said amount does not exceed the sum of fifteen cents on each one hundred dollars valuation, as shown by the assessment roll. When the amount asked for exceeds the sum of fifteen cents on the one hundred dollars valuation, the Mayor and Common Council may, in its discretion, levy and collect as tax a sum not to exceed twenty-five

Board of  
Education,  
powers and  
duties, con-  
tinued.

cents on the one hundred dollars valuation as shown by the assessment roll, but there shall be levied and collected not less than fifteen cents on the hundred dollars valuation as shown on the assessment roll.

Twelfth—To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and in kindergartens to prohibit the attendance of children under four years of age.

Thirteenth—To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the board may direct, of tuition fees, to be fixed by the board; *provided*, that the tuition required and collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted.

Fourteenth—To dispose of at public or private sale such personal property as shall no longer be required by the department.

Fifteenth—To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

Sixteenth—To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

Seventeenth—The City Board of Education may provide for special examinations for positions in high schools, kindergartens, or technical schools, and issue upon such examinations special certificates.

Eighteenth—In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Common Council, incur extraordinary expenses in excess of the annual limit provided by this charter, for repair, construction, and finishing of school-houses, and the Mayor and Common Council may by ordinance cause to be transferred to the school fund, from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

Nineteenth—To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever. And, generally, to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools in the city.

As to high  
schools.

SEC. 6. It shall be the duty of the board to prescribe a course of study for its high schools, and prescribe the text-books to be therein used.

Visit  
schools.

SEC. 7. Each member of the board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

Board to  
elect a  
Superin-  
tendent of  
Schools.

SEC. 8. The Board of Education shall immediately after its organization elect a City Superintendent of Schools, who shall hold his office for four years, unless sooner removed for cause,

and by four affirmative votes after a full investigation. Said Superintendent shall, upon his election, become an ex officio member of the board, but shall not be entitled to vote. They may also, when they deem it necessary, elect a Deputy City Superintendent. They shall fix the salary of the City Superintendent of Schools and of the deputy, if there be one, and said salaries shall not be changed during their term of office. The City Superintendent shall be ex officio secretary of the board.

SEC. 9. The Board of Education shall elect two of its members, who, together with the City Superintendent, shall constitute a standing Committee on Classification, and in this committee the City Superintendent shall be entitled to a vote. Committee on Classification.

SEC. 10. It shall be the duty of the School Superintendent: Duty of Superintendent.  
 First—To report to the Board of Education annually, and at such times as it may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, with such recommendations as he may deem proper.

Second—To visit each school and thoroughly examine each grade thereof at least once a month, and at such other times as the welfare and efficiency of the schools demand.

Third—To observe and cause to be observed such general rules for the regulation, government, and instruction of the schools as may be established by the board.

Fourth—The superintendent may, for cause good and sufficient in his judgment, suspend any teacher employed in the schools of the city until the next meeting of the Board of Education.

Fifth—To recommend to the board the dismissal of teachers, stating the reasons therefor.

Sixth—To attend all sessions of the board, and give information at each session of the condition of the public schools, school-houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city.

Seventh—To acquaint himself with all the laws, rules, and regulations governing the public schools in the city, and the judicial decisions thereon, and give advice upon all matters connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

SEC. 11. He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank books, books for indigent children, apparatus, and such other school appliances as may be necessary for the use of the city schools and the board for one year following. Statement of needed supplies.

SEC. 12. The Board of Education shall, upon the receipt of the statement from the Superintendent, as in the preceding section provided, call for sealed bids for furnishing the articles in said statement specified. This they may do by advertisement in some daily paper published in the city, or by sending notice that bids will be received as stated, to the several San Bids for supplies.

José dealers in the lines of the articles wanted. These bids shall be publicly opened in the office of the City Superintendent and the contracts awarded to the lowest and best bidders.

Duties of  
Committee  
on Classifi-  
cation

SEC. 13. The Committee on Classification shall make themselves thoroughly acquainted, by personal inspection, with the work of every employé of the board, and it shall be the duty of this committee, at least twenty days before the close of the school year, to make a written report to the board, stating what duties are being discharged by each employé and the nature of the service rendered. In this report they shall distinctly state what employés shall, in their opinion, be retained for the ensuing year.

Qualifica-  
tions of  
teachers

SEC. 14. No teacher shall be elected or appointed to a position in the school department, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California primary or grammar grade certificate, in full force; and no one shall be elected to a permanent position who has not taught successfully at least one school year in the schools of the city. All teachers thus elected to permanent positions in the department, who are reported upon favorably by a majority of the Committee on Classification, shall retain their positions for the ensuing year without reflection, and shall be removed only for cause. No teacher shall be removed from a position held in the schools of the city, except by the votes of four members of the board.

All claims payable out of the school fund shall be filed with the secretary of the board, and before payment shall be approved by a majority of all the members elected to said board, upon a call of ayes and noes, which shall be recorded.

## ARTICLE X.

### POLICE AND FIRE DEPARTMENT.

Board of  
Police  
and Fire  
Commis-  
sioners

Term of  
office.

Organiza-  
tion.

Ineligible  
to other  
office.

SECTION 1. The police and fire department shall be under the control and management of a Board of Police and Fire Commissioners. They shall not be less than twenty-five years of age, and must have been residents of said city for at least five years prior to such appointment. They shall hold office for four years, and until their successors have been appointed and qualified. Said board shall be so composed that there shall never be at any time more than two commissioners from the same political party. They shall serve without compensation.

SEC. 2. The commissioners shall meet in said city within ten days after their appointment, and organize as a Board of Police and Fire Commissioners, and elect one of their number president, who shall hold his office for one year. They shall elect a secretary, who shall perform such duties as may be prescribed by the board. No commissioner shall be eligible for any other office under the city, county, or state government during his incumbency as said commissioner, except the office of notary public or officer of state militia.



SEC. 3. The sessions of said board shall be public, except Meetings.  
that executive sessions may be held in special cases by unanimous vote. Said board shall meet at least twice a month, and at the call of the president. Three members shall constitute a quorum, but a less number may adjourn from time to time. A vote of three members shall be necessary to pass any resolution.

SEC. 4. Said board shall have power:

First—To prescribe the salaries, qualifications, duties, rank, Powers of  
badges of office, and uniforms of the officers, members, and board.  
employés of said department.

Second—To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

Third—To hear and summarily determine all complaints of misconduct, inefficiency, or violation of the rules, or other charge against any officer, member, or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline, and efficiency of such department. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpoenas for the attendance of witnesses and the production of papers before it. Such subpoenas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

Fourth—To appoint, at the request of the Mayor, for one day only, special policemen, who shall be under the supervision and control of the Chief of Police.

Fifth—To require all electric, telegraph and telephone wires to be located, laid, erected, and maintained subject to their approval.

Sixth—The board shall have power to make all necessary rules and regulations to carry into execution the foregoing powers and all other powers vested in said board by this charter, or by any ordinance of the Mayor and Common Council passed pursuant thereto, or by the Constitution and laws of this State; and in general to manage and control said departments.

SEC. 5. The board shall maintain a fire alarm and police telegraph or telephone, and shall manage and control the same, appoint the superintendent thereof, in like manner with other employés of the police and fire department.

SEC. 6. The police department shall consist of a Chief of Police and such captains, detectives, and other policemen as the Police de-  
board may determine to be necessary; *provided*, the police force, partment.  
other than the Chief of Police, shall not exceed one police officer for each one thousand inhabitants of the city.

SEC. 7. The fire department shall consist of a chief engineer Fire de-  
and assistants, and as many drivers, engineers, hosemen, and partment.  
other employés as the board may determine to be necessary.

SEC. 8. The board shall, annually, on or before the third Annual  
Monday in July, render to the Mayor and Common Council a financial  
verified, itemized account, in writing, of all moneys received statement.

and disbursed during the preceding year, and shall report to the Mayor and Common Council an estimate of the money that will be required to pay all salaries and expenses of the police department and the fire department, including the fire alarm and police telegraph or telephone service, for the ensuing year, specifying in detail the proper items for which the same will be required.

Powers of board.

Sec. 9. Said board shall supervise and possess full power and authority over all the funds, moneys, and appropriations made for the use of the police and fire departments, and also the organization, government, and discipline of said departments, and shall have control of all the property and equipments belonging to said departments.

Who shall constitute force.

Sec. 10. If this charter be approved by the Legislature at its thirty-second session, the officers and members of the police and fire departments in service at that time shall constitute the police force and fire departments respectively, till the Board of Police and Fire Commissioners have organized, when appointments to said departments shall be made. If not approved until the thirty-third session, those in service at that time shall constitute the police force and fire department respectively, till the first Monday in July, 1899, at which time the commission shall appoint all officers and members of the police and fire departments respectively. Those of the old force in the police and fire departments who are reappointed by the Board of Police and Fire Commissioners shall hold their positions during good behavior and efficiency. All new officers and members shall be appointed for only one year and on probation. Reappointments from their number shall be during good behavior and efficiency.

Sec. 11. The officers, members, and employés of said police and fire department shall be appointed by said board immediately after its organization, and shall retain their positions during good behavior and efficiency, but no appointments or removals shall be made for political reasons, nor shall any removal be made except for cause.

Qualifications.

Sec. 12. All persons appointed in said departments must be citizens of the United States, of good character for honesty and sobriety, able to read and write the English language, and residents of said city at least three years next preceding their appointment and at least twenty-one years of age. All new appointments to the police force shall possess the physical requirements for recruits in the infantry service of the United States army, and must pass a medical examination under such rules and regulations as may be prescribed by said board.

Restrictions upon members.

Sec. 13. No member of the police or fire department shall be eligible to any other public office while connected with such department, nor shall he take part in any convention held for political purposes, nor shall he be a member of any political club. No member of said department shall interfere with politics on an election day, or at any other time, except to exercise his right to vote, while employed in said departments.

## ARTICLE XI.

## FREE PUBLIC LIBRARY.

SECTION 1. The Free Public Library shall be under the management of a board of five trustees. The present board of trustees of said library shall have the management and control thereof until its successors are appointed and qualified as provided in this chapter. Board of Library Trustees.

SEC. 2. The position of trustee shall be one of honorary trust, without salary or compensation, and all appointments shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city for at least five years prior to their appointment. Qualifications.

SEC. 3. The Mayor and Common Council shall, at the request of the board of trustees, in making the annual tax levy, and as a part thereof, if the maintenance of the library has not otherwise been provided for, levy a sum of not less than 3 cents, nor more than 5 cents, on the hundred dollars assessed valuation for the purpose of maintaining said library and for purchasing books, journals and periodicals, and for constructing such buildings as may be necessary. Tax levy.

SEC. 4. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of any such donation or bequest, said board shall provide for the safety and preservation of the same and the application thereof to the use of said library in accordance with the terms and conditions of such donation or bequest. Duty of trustees as to donations of property.

SEC. 5. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, or bequest, or otherwise, for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for and defended by action at law or otherwise. Title to real property.

SEC. 6. The board shall meet at least once each month, and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its number president, who shall serve for one year and until his successor is elected, and shall elect a librarian and such assistants as may be necessary. It may elect a secretary, who shall keep a full account of all property, money, receipts, and expenditures, and a record of all its proceedings. The secretary must serve without compensation. Meetings.

SEC. 7. Said board, by a majority vote of all its members, to be recorded in its minutes, with the ayes and noes, shall have power: Powers.

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of said library and all property belonging thereto, or that may be loaned thereto.

Powers of  
Library  
Trustees.

Second—To administer any trust declared or created for such library and reading-rooms.

Third—To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and at its pleasure remove any officer or assistant.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To fix the salaries of the librarian and assistants, and other employés, and with the approval of the Mayor and Common Council, expressed by ordinance, to rent and equip such building or buildings, room or rooms, as may be necessary for said library and reading-rooms.

Sixth—Said board, on or before the third Monday of July in each year, shall make a report to the Mayor and Common Council, giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during the next preceding fiscal year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest; and also a financial report, showing all receipts and disbursements, with particulars thereof, and the names of all employés and the salary paid to each.

Seventh—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading-rooms.

## ARTICLE XII.

### HEALTH DEPARTMENT.

#### *Chapter I.*

Board of  
Health.

SECTION 1. There shall be a Board of Health, which shall consist of five members, who shall serve without compensation.

Qualifica-  
tions.

SEC. 2. The members of the Board of Health shall have the following qualifications:

First—They shall be duly licensed physicians under the laws of the State of California.

Second—They shall have practiced their profession for at least five years, and shall have been electors of the City of San José for two years.

Meetings.

SEC. 3. Regular meetings of the Board of Health shall be held at least once a month. Special meetings may be held at the call of the president of the board or three members thereof. All meetings shall be public. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Organiza-  
tion.

SEC. 4. The persons appointed members of the Board of Health shall meet within fifteen days after their appointment and elect one of their number president, whose term of office

shall be one year. They shall elect one of their number Health Officer, who shall serve as secretary, and shall have the powers of a police officer in matters pertaining to his office. They shall elect such subordinate officers as may be necessary to carry out the provisions of this charter, and shall also define their duties and fix the compensation of all employés.

SEC. 5. The Board of Health shall exercise a general supervision over the health of the city, with full power to use all measures necessary to promote the cleanliness and sanitary conditions thereof, to prevent the introduction into the city of malignant or infectious diseases, and to remove or otherwise dispose of any person or animal attacked by any such disease, and to adopt in reference to such person or animal any restrictions, regulations, or measures deemed advisable. Said board shall adopt and enforce such forms and regulations as in their judgment will secure reliable vital and mortuary statistics, and shall have the supervision of all persons engaged or appointed to carry out any of the powers conferred on said board.

## ARTICLE XIII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The fiscal year shall begin on the first day of July.

SEC. 2. In any case of "removal for cause" of any officer or employé, this shall be the course of procedure: Charges and specifications shall be filed with the body having jurisdiction, and a copy of such charges and specifications shall be immediately served on the accused, who shall have the right to be heard in his own defense, with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. When a judgment is rendered and recorded in any such case, the judgment shall be final.

SEC. 3. The Mayor and Common Council shall not have power to relieve any person or citizen from the payment of any lawful tax, assessment, fine, bond, or security, nor to exempt him from any burden imposed on him by law, ordinance, or this charter.

SEC. 4. All deputies must be citizens of the United States, and must have resided in the City of San José at least two years next preceding his or her appointment. They, and each of them, shall perform such duties as may be required of them by law, ordinance, or this charter, and shall only receive such compensation as may have been (previously) provided, and such compensation shall not be increased during the term for which they were appointed.

SEC. 5. Any person holding a salaried office of this city, whether by election or appointment, who shall, during his term of office, hold or retain any other office of honor, trust, or emolument under the Government of the United States, or of this State (except the office of notary public or officer of the

National Guard), or who shall hold any other office connected with said city, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the city government.

Liability of officers.

SEC. 6. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed, or paid.

Monthly count of city money.

SEC. 7. It shall be the duty of the Mayor, the City Clerk, and the City Attorney to count the money in the city treasury at least once each month, and to see that the amount on hand tallies with the amount that should be in the fund, as shown by the books of the City Clerk and City Treasurer.

Duty of outgoing officials.

SEC. 8. All officers, boards, and commissioners shall each turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments in their possession or under their control.

Neglect of duty or malfeasance in office.

SEC. 9. Any elected officer, except members of the Common Council, may be suspended by the Mayor, and removed by the Common Council, for neglect of duty or malfeasance in office. The procedure for removal shall be taken as prescribed in this charter, and the charges, proceedings, and final judgment, together with the ayes and noes, shall be entered on the minutes. In the event of removal, the judgment in the case shall be final, and the vacancy thus created shall be filled as provided in this charter.

Official prohibitions.

SEC. 10. No member of the Common Council, or of any board, and no officer or employé of said city while in office, shall be or become, directly or indirectly, interested in any contract, work, or business, or in the sale of any article the expense, price, or consideration of which is payable from the treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same.

No officer or employé of this city shall give, or promise to give, to any other person any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment.

No officer or employé shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under their charge, or from any candidate or applicant for any position as employé or subordinate under him.

Penalty for violation.

A violation of any provision of this section shall cause a forfeiture of his office, and he shall be forever disbarred and disqualified from being elected, appointed, or employed in the service of the city.

Liability of officers.

SEC. 11. Every officer who shall willfully approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually,

and on his official bond, for the amount of the demand so illegally approved, allowed, or paid, and shall forfeit the office which he holds, and be forever disbarred and disqualified from holding any position in the service of the city.

SEC. 12. All moneys, assessments, and taxes belonging to or collected for the use of the city, coming into the hands of any officer, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer for twenty-four hours after receiving the same shall delay or neglect to make such deposit (except the City Justice and Park Commissioners, who shall pay in their receipts of office monthly), he shall be deemed guilty of misconduct in office, and may be removed.

Immediate deposit of money.

SEC. 13. When any officer shall require additional deputies, clerks, or employes, application shall be made therefor, and upon such application it shall be the duty of the Mayor and Common Council, or board having authority to make such appointments, to make investigation as to the necessity for such additional assistance; and if the same be found necessary or expedient, may authorize such appointments, and provide for the compensation of such appointees, subject to the limitations contained in this charter.

Additional deputies.

SEC. 14. Whenever it is provided in this charter that the members of any board, department, or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the secretary thereof and signed by all of said members, shall be filed with the City Clerk.

Classification of members of boards, etc., to be recorded.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office. Copies or extracts from said books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, and paying or tendering 5 cents per folio of one hundred words for such copies or extracts, and the additional sum of 25 cents for certifying to such certified copy or extract.

Books and records, open to inspection.

SEC. 16. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business every day, except legal holidays, from 8:30 o'clock in the forenoon until 5 o'clock in the afternoon.

Office hours.

SEC. 17. Every officer authorized by law or ordinance to allow, audit, or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

Powers of certain officers.

SEC. 18. The Mayor and Common Council shall cause to be published at the end of each year the ordinances, classified under appropriate heads, passed by it during said year and then in force. Every officer of the city shall be entitled to one

Publication of ordinances.

copy without charge, and every citizen to a copy at the cost of publication. At the end of every fifth year, instead of the publication then as above required, the Common Council shall cause to be compiled, classified under appropriate heads, and published, all the ordinances then in force, and the same shall be subject to distribution as above provided.

Supervis-  
ors to sup-  
ply great  
registers.

SEC. 19. It shall be the duty of the Board of Supervisors of the County of Santa Clara, when great registers are being printed, to provide for the printing of a sufficient number of such registers, in addition to the number required otherwise by law to be printed, for the general and special municipal elections to be held, or likely to be held, in the City of San José, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient number, when so required by the Mayor and Common Council of said city. The said County Clerk, when so required, for the purpose of a general or special municipal election, shall furnish to said Mayor and Common Council a supplemental list of all voters who have registered since the time of the last printed great register.

Amend-  
ment of  
ordi-  
nances.

SEC. 20. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reënacted at length as amended. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title. In all cases where the subject is not so indicated, the ordinance shall be void as to the matter not indicated in the title; that which is indicated shall remain in full force and effect.

No extra  
pay for  
official  
duties.

SEC. 21. The Council shall not allow any extra or additional compensation beyond what this charter expressly authorizes to any officer, for services that the Council have power to require the officer to perform by virtue of his office.

Acts of  
Legisla-  
ture, etc.

SEC. 22. All Acts of the Legislature relating to the City of San José, and all the ordinances, resolutions, and other regulations now in force, and not inconsistent herewith, shall be and remain in force after this charter takes effect, until changed or repealed by the proper authority, and all rights vested under any former Act or regulation, when this charter takes effect, shall not thereby be lost, impaired, or discharged; and all actions and proceedings commenced in any court wherein the City of San José is a party, shall be continued under the law existing when said action or proceeding was commenced.

Certificate  
of board of  
free-  
holders.

WHEREAS, The City of San José, a city containing a population of more than ten thousand, and less than one hundred thousand inhabitants, did, on the 2d day of November, eighteen hundred and ninety-six, at a special election, and under and in accordance with the provisions of Section 8, Article 11, of the Constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city; Be it known, that in pursuance of said provision of the Constitution, and within a period of ninety days after



such election, said board of fifteen freeholders has prepared, and does propose the foregoing articles, signed in duplicate, as and for the charter for the said City of San José.

In witness whereof, we have hereunto set our hands and seals, at the City of San José, State of California, this second day of January, eighteen hundred and ninety-seven.

Done in duplicate.

WM. B. HARDY, Chairman.  
 WM. G. ALEXANDER.  
 CHARLES H. ALLEN.  
 JOHN E. AUZERAIS.  
 T. ELLARD BEANS.  
 A. B. HUNTER.  
 A. S. KITTREDGE.  
 VALENTINE KOCH.  
 MAURICE O'BRIEN.  
 D. J. PORTER.  
 S. E. SMITH.  
 FRANK STOCK.  
 D. C. VESTAL.  
 C. M. WOOSTER.  
 H. J. B. WRIGHT.

Attest: THOS. BODLEY, Secretary.

STATE OF CALIFORNIA, }  
 COUNTY OF SANTA CLARA, CITY OF SAN JOSÉ. } ss.

This is to certify that we, V. Koch, Mayor of the City of San José, and J. W. Cook, City Clerk of said City of San José, have compared the foregoing proposed and ratified charter with one of the duplicates mentioned therein, and find that the same is an exact copy thereof; and we further certify that the facts set forth in the preamble preceding said charter herein are true.

Dated San José, Cal., February 24, 1897.

V. KOCH,  
 Mayor of the City of San José.  
 J. W. COOK,

[SEAL.]

City Clerk of the City of San José.

Now, THEREFORE, BE IT

*Resolved by the Senate of the State of California, the Assembly thereof concurring* (a majority of all the members elected to each house voting for and concurring herein), That said charter of the City of San José, as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of the said City of San José aforesaid.

Approval  
 of Legisla-  
 ture.

## CHAPTER XVI.

*Assembly Concurrent Resolution No. 9—Resolution welcoming to the State of California the Societies of Christian Endeavor of the World, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July 7 to 12, 1897.*

[Adopted March 11, 1897.]

Society of  
Christian  
Endeavor.

- WHEREAS, The sixteenth International Christian Endeavor convention is to be held in San Francisco, in this State, July 7th to 12th of this year; and
- WHEREAS, The Society of Christian Endeavor is an organization embracing over forty-five thousand local societies, with an aggregate membership of over two and one half millions of persons located in the different countries of the world, but principally in the United States of America; and
- WHEREAS, A large number of our citizens in public and private life have for a long time past been devoting much time, labor, and money to the end that the convention of 1897 might be secured to our State, and will continue to labor and expend their money and devote their time in order to assure to our visitors a cordial and hospitable welcome; and
- WHEREAS, This society is an inter-denominational organization, which has for its object the development of the young in good morals, high character, and to fit them for laudable achievement; and
- WHEREAS, It has come to our notice that at the conventions held in sister States within the past few years, the attendance has reached as high as fifty thousand persons; and
- WHEREAS, The railway associations of the United States have agreed upon rates for transportation to and from the State, on account of this convention of 1897, lower than were ever granted at any previous time, upon any account whatever, which rates of transportation are available to everybody, whether members of the societies or not, and such rates being upon terms that will allow reasonable time for all visitors on that occasion to not only attend the convention, but also permit them to visit the innumerable points of interest in the State; and
- WHEREAS, It is confidently believed by those who have charge of the affairs of the societies and the sessions of the convention, that many thousands will visit our State by reason of the holding of the convention of 1897 in California; and
- WHEREAS, It is the sense of the Legislature of the State of California that it is but meet and proper that the people of California should welcome to our beloved State the delegates to the convention of 1897, and their accompanying friends, and others drawn here upon this auspicious occasion, from which we must inevitably derive much benefit; therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring therein, That the Legislature of the State of Cali-*

WELCOMING THE DELEGATES AND FRIENDS TO CALIFORNIA.

ifornia, at its thirty-second session, beginning on the 4th day of January, 1897, does hereby extend to the Societies of Christian Endeavor of the World, and their friends, a cordial welcome to our State upon this the occasion of their sixteenth annual convention, better known throughout the world as "California 1897 Christian Endeavor Convention," and we assure them and their visiting companions that they will find in our people a deep and earnest interest in that moral culture which is elevating and helpful to humanity, and a disposition to aid and encourage those who have already devoted much time and labor to this cause. While those who will come to California during July next are within our State, we hope they will not fail to visit the many points of interest for which the State is famous, and see for themselves what a goodly heritage is ours; and we especially call their attention to Anno Domini 1601, when the first Christian Endeavor work on the western coast was initiated; where, "twenty years before the pilgrims landed on Plymouth Rock, there was reflected a rude cross in the waters of the Bay of Monterey," which cross was erected by the Spanish padres. We also invite their attention to the early missions at Santa Barbara, Santa Clara, San Luis Obispo, and elsewhere; and to the more modern churches of every denomination in the cities, villages, and hamlets of the State. The material progress of our State from its earliest control by Americans, we think is well illustrated by the respective state capitol buildings—the first erected at Monterey in 1849; the next at San José, 1849–51; the next at Vallejo, 1852–53; the next at Benicia, 1853–54; the next at Sacramento, 1854; the next at Sacramento, 1855–69; then our present magnificent state building. In addition to this evidence of our prosperity, we are proud of the educational development of the State as shown by our great university at Berkeley, adjacent to Oakland and San Francisco, and of the numerous other educational institutions, at the head of which stands the Leland Stanford Jr. University at Palo Alto, near San José; the State Normal School at Los Angeles, in the south, San José in the center, and Chico in the north; while on Mount Hamilton, near San José, will be found the great Lick Observatory, with its complete astronomical equipment; and thus throughout our State, from "Siskiyou to San Diego, and from the Sierras to the sea," will be found much to attract the eye and satisfy the fancy of those who love the wonderful and beautiful in nature. In the great Sierra Nevada range will be found the richest gold mines of the world, while in the valleys and plains are located the agricultural, horticultural, and viticultural developments of the State, which are unsurpassed anywhere on the face of the globe. For remarkable topographical features, there will be found Mounts Lowe and Wilson, near Los Angeles; farther north, the world-famed Yosemite Valley and Mount Whitney, while to the north is Mount Shasta clad in perpetual snows. All of these are easy of access by rail, while by our fourteen hundred miles of tide-water shore-line, the commerce of the world could be accommodated in a score of places from Del Norte, in the northwest,

to San Diego, in the southwest, with Eureka, San Francisco, Oakland, Monterey, Santa Cruz, San Luis Obispo, Santa Barbara, and Los Angeles between. By the inland waters of the State may be reached a hundred cities and towns of greater or less importance, notable among which are Stockton, Sacramento, Marysville, and Red Bluff, and by the same inland waters, and by rail, may be reached the great national navy yard, at Mare Island, opposite Vallejo. In the eastern central portion of the State will be found the location of Sutter's mill, where James W. Marshall discovered gold, from which discovery came the impelling forces which have so materially aided in the development of what is now this great State of California. With all these and many other attractions for the gratification of the senses, in addition to the benefits to be derived from associations at the convention, it is the belief of the Legislature of the State of California that much good will come to those who will visit us during the convention days, and we feel assured that much benefit will be derived by our own people from the visit of those who will come to us in connection with this memorable occasion. Therefore, again we say to our expected guests, whether their stay with us be temporary or permanent, "Welcome, thrice welcome, to California."

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#### CHAPTER XVII.

*Assembly Concurrent Resolution No. 11, relative to dispensing with joint rules forty, forty-eight, and forty-nine.*

[Adopted March 12, 1897.]

*Resolved by the Assembly, the Senate concurring, That joint rules forty, forty-eight, and forty-nine be dispensed with for the remainder of the session.*

Dispensing  
with rules

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#### CHAPTER XVIII.

*Assembly Concurrent Resolution No. 12, relative to adjournment sine die.*

[Adopted March 12, 1897.]

*Resolved by the Assembly, the Senate concurring, That the two houses adjourn sine die at twelve noon of Saturday, March twentieth, eighteen hundred and ninety-seven.*

Adjourn-  
ment sine  
die

## CHAPTER XIX.

*Assembly Concurrent Resolution No. 10, directing the State Printer to print thirty thousand copies of Assembly Concurrent Resolution No. 9, relative to welcome of Christian Endeavor International Convention, to be held in San Francisco, July, 1897, and for the distribution thereof.*

[Adopted March 16, 1897.]

WHEREAS, There has been adopted Assembly Concurrent Resolution Number Nine, extending to the Society of Christian Endeavor a welcome to the State of California, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July seventh to twelfth, eighteen hundred and ninety-seven; and

WHEREAS, It is believed to be for the best interest of the people of the State of California that a sufficient number of copies of said resolution be published in suitable form to afford an opportunity to place a copy thereof in the hands of each visitor to the State upon the occasion of such convention; therefore, be it

*Resolved by the Assembly, the Senate concurring therein, That* the State Printer be and he is hereby directed to prepare and publish, in the form of a booklet, journal-page size, on coated book paper, of sixty to eighty pounds per ream, thirty thousand copies of Assembly Concurrent Resolution Number Nine, relative to welcome to the Christian Endeavor Societies to the State of California, upon the occasion of their sixteenth annual international convention, to be held in the City of San Francisco, July seventh to twelfth, eighteen hundred and ninety-seven, and that the State Printer use, in publishing such resolution as aforesaid, such half-tone or other picture plates of public buildings and other notable features of the State as are indicated in such resolution; *provided*, such half-tone or other picture plates are either now owned by the State or are furnished free of cost for use by the State Printer for this purpose; such publication to be paid for out of the contingent fund of the Assembly, and the Controller is hereby authorized to draw a warrant in favor of the State Printer in payment therefor; and that when completed, the said copies of such resolution in booklet form shall be distributed as follows: To the Secretary of State, for distribution to members of the Legislature, state officers, and such others as he may deem proper, five hundred copies; to the executive committee of the International Christian Endeavor Convention, San Francisco, twenty-nine thousand five hundred copies.

Publica-  
tion of wel-  
come to  
Christian  
Endeavor  
Society.

## CHAPTER XX.

*Senate Joint Resolution No. 16, relating to the citrus fruit industry.*

[Adopted March 16, 1897.]

Preamble. *Resolved by the Senate of the State of California, the Assembly concurring, That—*

WHEREAS, On January eighth, eighteen hundred and ninety-seven, there was introduced into the Senate, by Senator Langford, a joint resolution number two, relative to the fruit industry, which resolution duly passed both the Senate and Assembly, and was transmitted to our Senators and Representatives in Congress; and

WHEREAS, Said joint resolution contained various proposed duties on fruits raised in this State which Congress was asked to impose as a protection from foreign competition; and

WHEREAS, The said proposed duties have been construed to be the maximum rates desired by the California fruit-producers, whereas, in reality, they are the minimum duties suggested, and are entirely inadequate to protect California producers from foreign competition in several of the kinds of fruit and fruit products named; therefore, be it

Tariff on citrus fruits.

*Resolved, That our Senators be instructed and our Representatives in Congress be requested to urge that the fruit schedule in the new tariff law to be submitted to Congress, at its special session, shall contain a duty of not less than forty cents per cubic foot on oranges, lemons, and limes, laid at a uniform rate, regardless of the size of the package, and when in bulk, should be not less than five dollars per thousand; and a duty of not less than fifty cents per cubic foot of shaddocks, grape-fruit, and pomelos, or twenty-five dollars per thousand when in bulk. On citric acid there should be a specific duty of fifteen cents per pound; seventy-five cents per pound on essential oils of oranges and lemons; five cents per pound on the finished product of candied oranges, and lemon peel, and preserved citron; three cents per pound on citron of commerce, when in pickle or brine; and on concentrated lemon and lime juice, in proportion to the amount of citric acid it contains, at the rate of ten cents per pound.*

On Zante currants

*Resolved, That the proposed duty of one cent per pound on Zante currants is inconsistent and unjust, and if adopted will be ruinous to raisin-growers in the State of California; that the foreign dried grapes, known to commerce as "Zante currants," come into direct competition with medium grades of California raisins of all descriptions, particularly with seedless varieties; and if admitted into this country on a duty of less than three cents per pound, will take the place of and supplant the domestic product; that the seedless descriptions of raisins comprise twenty per cent (20%) or more of all the raisins grown in this State; that the so-called Zante currant is a seedless grape, and*

should be so classified, and be made subject to the same duty as raisins and all dried grapes; and that under proper encouragement the raisin industry will largely and profitably increase, and that without such encouragement a very important industry will be destroyed. We therefore believe a duty of three (3) cents per pound on raisins, Zante currants, sultanas, and all other dried products of the grape should be adopted.

*Resolved*, That we believe a duty of not less than three and one half ( $3\frac{1}{2}$ ) cents per pound should be fixed on prunes and dried plums, and that at a less rate this industry must languish, and the large sums of money invested in it become unprofitable, and thus lessen the opportunity for labor, when thousands of laborers are already without the opportunity of supporting themselves and their families.

*Resolved*, That these resolutions be printed and duly attested and a copy be forwarded to each member of the Ways and Means Committee of the House of Representatives, and to each Senator and Representative in Congress from the State of California, and that this resolution be forwarded by telegraph to the Hon. George C. Perkins, United States Senator, at Washington, by the Secretary of the Senate.

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## CHAPTER XXI.

*Assembly Concurrent Resolution No. 13, relative to consent of the Legislature to the absence of the Governor of the State, James H. Budd, from the State for a period not to exceed six months.*

[Adopted March 18, 1897.]

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California has consented, and does hereby consent, that the Governor of the State of California, the honorable James H. Budd, may depart from the State of California at any time during the remainder of his official term, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Granting the Governor permission to leave the State.

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## CHAPTER XXII.

*Senate Concurrent Resolution No. 11.*

[Adopted March 19, 1897.]

*Resolved by the Senate, the Assembly concurring*, That the Secretary of State be authorized to continue the employment of the electrician, engineer, and fireman for the remainder of the session, at an expense not to exceed one hundred and ninety-two dollars, one half to be charged to the contingent fund of the Senate, and one half to the contingent fund of the

Secretary of State to employ electrician, fireman, and engineer.

Assembly; and the Controller is hereby authorized to draw his warrant therefor, and the Treasurer is authorized and directed to pay the same.

### CHAPTER XXIII.

*Senate Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to section eighteen of article eleven of the Constitution, in relation to revenue and taxation.*

[Adopted March 19, 1897.]

*Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, eighteen hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section eighteen of article eleven of the Constitution of the State of California be amended so as to read as follows:*

Indebtedness must not exceed income, unless

Section 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 provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however, that the City and County of San Francisco may at any time pay the unpaid claims with interest thereon for materials furnished to and work done for said city and county during the forty-third and forty-fourth fiscal years, out of the income and revenue of any succeeding year or years; provided, that any and all claims for making, repairing, altering, or for any work done upon or for any material furnished for any street, lane, alley, court, place, or sidewalk, or for the construction of any sewer or sewers in said city and county are hereby excepted from the provisions of this section; and in determining any claim permitted to be paid by this section, no statute of limitations shall apply in any manner; and provided further, that the City of Vallejo, in Solano County, may pay its existing indebtedness incurred in the construction of its waterworks, whenever two thirds of the electors thereof voting at an election held for that purpose, shall so decide. Any indebtedness or liability incurred contrary to this provision, with the exception hereinbefore recited, shall be void.*

City of San Francisco may pay unpaid claims.

Also, City of Vallejo.



## CHAPTER XXIV.

*Assembly Concurrent Resolution No. 14, relative to the consideration of bills by the different houses of the Legislature.*

[Adopted March 19, 1897.]

*Resolved by the Assembly, the Senate concurring,* That after twelve o'clock and thirty minutes P. M. of Thursday, March eighteenth, only Senate bills shall be considered by the Assembly, and only Assembly bills by the Senate, except the general appropriation bill, the county government act, the tax levy bill, the general fee bill, and road bills. Consideration of bills.

## CHAPTER XXV.

*Senate Constitutional Amendment No. 10—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as section seven and one half, article eleven thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government.*

[Adopted March 20, 1897.]

The Legislature of the State of California, at its thirty-second session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known and designated as section seven and one half, article eleven thereof, as follows: Local county government acts; how framed.

Section 7½. The inhabitants of any county may frame a county government act for their own government, relating to the matters hereinafter specified, and consistent with, and subject to, the Constitution and laws of this State, by causing a board of fifteen freeholders, who have been, for at least five years, qualified electors of such county, to be elected by the qualified electors of such county, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a county government act for such county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Board of Supervisors or other legislative body of such county, and the other copy to be sent to the recorder of deeds of the county. Such proposed county government act shall then be published in two papers of general circulation in such county, or if there be not two such papers, then in one only, 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 county, at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its rejection or approval, as a whole, without power of alteration or amendment, and if approved by a majority of the members elected to each house, it shall be the county government act of such county, and shall in such case become the organic law thereof and supersede any existing county government act, and all amendments thereof, and all special laws inconsistent with such county government act. A copy of such county government act, certified by the president of the Board of Supervisors or other legislative body of such county, and authenticated by the seal of such county, setting forth the submission of such county government act 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 in the county, among the archives of the county. All courts shall take judicial notice thereof. The county government act so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the county, to the qualified electors thereof, at a general or special election held at least forty days after the publication of such proposals for twenty days in a newspaper of general circulation in such county, and ratified by at least three fifths of the qualified electors voting thereon, and approved by the Legislature as herein provided for the approval of the county government act. In submitting any such county government act, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. It shall be competent in all county government acts framed under the authority given by this section, to provide for the manner in which, the times at which, and the terms for which the several township and county officers, other than Judges of the Superior Court, shall be elected or appointed; for their compensation; for the number of such officers; for the consolidation or segregation of offices; for the number of deputies that each officer shall have, and for the compensation payable to each of such deputies; for the manner in which, the times in which, and the terms for which the members of all boards of election shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; also, to prescribe the manner and method by which all elections by the people shall be conducted; and may in addition determine the tests and conditions upon which electors, political parties, and organizations may participate in any primary election. Whenever any county has, in the manner and method herein pointed out, adopted any county government act, and the same shall have been approved by the Legislature as aforesaid, the directions of sections four and five of this article providing for

How amended.

What shall be provided for therein.

When approved by Legislature, uniformity does not apply.

the uniformity of a system of county governments throughout the State, and likewise providing for the election and appointment of officers, and the regulation of their compensation, shall not apply. Said county government act shall, as to any of the matters hereinabove provided for and declared by such county government act, not be subject to any law or amendment enacted by the Legislature, except by amendment first submitted to the electors and ratified in the manner hereinabove set forth.

## CHAPTER XXVI.

*Senate Constitutional Amendment No. 44—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as section five and one half, article six, thereby providing for the organization of a court, to be known as the Court of Claims.*

[Adopted March 20, 1867.]

The Legislature of the State of California, at its thirty-second session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, propose that a new section be added to the Constitution of the State of California, to be known and designated as section five and one half of article six, as follows:

Section 5½. The Court of Claims shall consist of any three Judges of the Superior Court, who may be requested by the Governor to hold court at the regular terms thereof. The Court of Claims shall have exclusive jurisdiction to hear and determine all claims of every kind and character against the State, under such laws as may be passed by the Legislature, and its judgment thereon shall be final. The terms of the Court of Claims shall be held as follows:

To establish a Court of Claims.

In the City of Los Angeles, commencing on the second Monday of March;

In the City and County of San Francisco, commencing on the second Monday in July; and

In the City of Sacramento, commencing on the second Monday of November of each year.

The judges holding such term of court shall receive no extra compensation therefor, but shall receive their actual expenses, to be paid out of the general fund of the state treasury. The Legislature shall enact all laws necessary to organize such court, to provide the procedure thereof, and to carry out the provisions of this section.

## CHAPTER XXVII.

*Assembly Concurrent Resolution No. 6, appointing Senators Dickinson, Gillette, and Seawell, members of the Senate, and Assemblymen Price, Dennery, and Caminetti, members of the Assembly, a joint committee of the Senate and Assembly, to examine into and report upon the charges made by the Governor, relative to the management and conduct of the State Printer's office, in his message to the Assembly of February 9, 1897, setting forth his reasons for vetoing Assembly Bill No. 263, and to examine into and report upon the management and conduct generally by the Superintendent of State Printing, of the business and affairs of the state printing office, and to examine into and to report upon the necessity for an appropriation for the support of and to carry on the business of the state printing office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose.*

[Adopted March 20, 1897.]

Appointing a joint committee to investigate the management of the state printing office.

*Resolved by the Assembly of the State of California, the Senate concurring, That Senators Dickinson, Gillette, and Seawell, members of the Senate, and Assemblymen Price, Dennery, and Caminetti, members of the Assembly, be and they hereby are appointed a joint committee of the Senate and Assembly, to examine into and report upon all matters connected with or in any way pertaining to the charges and statements made by the Governor of this State relative to the management and conduct of the business and affairs of the state printing office, in his veto message to the Assembly of February the ninth, eighteen hundred and ninety-seven, accompanying Assembly Bill No. 263, entitled "An Act making an appropriation for the support of the state printing office for the forty-eighth fiscal year"; and to examine into and report upon all matters and things in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the state printing office, and to examine into and report upon the necessity for an appropriation for the support of and to carry on the business of the state printing office for the remainder of the forty-eighth fiscal year, and the probable amount required for such purpose, and to further report such legislative measures as may be deemed necessary to insure a strictly economical administration of the affairs of said state printing office.*

Powers of the committee

*Resolved, That said joint committee be and it hereby is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; and that said joint committee be and it hereby is authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said joint committee are, and each of them is,*

hereby authorized to administer oaths; and that all the provisions of article eight, of chapter two, title one, part three of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," shall apply to the joint committee appointed under this resolution, and that the sergeant-at-arms of either the Senate or the Assembly is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the chairman of said joint committee when directed to do so by the said chairman.

There shall be two printing experts and two accountants **Experts.** employed by the said joint committee or commission; one printing expert to be named by the majority of said committee and one by the minority, and one accountant by the majority and one by the minority.

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#### CHAPTER XXVIII.

*Assembly Constitutional Amendment No. 37, to propose to the people of the State of California an amendment to the Constitution of the State, amending article eleven, by adding a new section thereto, to be known as section number five and one half, relating to consolidated city and county governments.*

[Adopted March 22, 1897.]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, eighteen hundred and ninety-seven, two thirds of all the members elected to each house concurring, hereby proposes that article eleven of the Constitution of said State be amended by adding thereto a new section, to be known as section number five and one half, which shall read as follows, to wit:

Section 5½. The provisions of sections four and five of this article shall not, nor shall any legislation passed pursuant thereto, apply to any consolidated city and county government, now existing or hereafter formed, which shall have become, or shall become, organized under section seven, or secure a charter under section eight of this article. **Exempting consolidated city and county governments from certain provisions.**

## CHAPTER XXIX.

*Assembly Constitutional Amendment No. 36—Proposition to amend section fifteen and section sixteen of article five of the Constitution of the State of California.*

[Adopted March 22, 1897.]

The Legislature of the State of California, at its thirty-second session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendments to sections fifteen and sixteen of article five of the Constitution:

Section fifteen of article five of the Constitution is hereby amended so as to read as follows:

Lieutenant-Governor; duties, etc.

Section 15. A Lieutenant-Governor shall be elected at the same time and place and in the same manner as the Governor, and his term of office and his qualifications shall be the same. He shall be president of the senate, but shall only have a casting vote therein.

Section sixteen of article five of the Constitution is hereby amended so as to read as follows:

Succession to office of Governor.

Section 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his 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. And should the Lieutenant-Governor 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 in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the president pro tempore of the senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the speaker of the assembly, until the office of Governor shall be filled at such general election.

## CHAPTER XXX.

*Assembly Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to section six, article nine of the Constitution of the State of California, relating to grammar schools.*

[Adopted March 22, 1897.]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section six of article nine of the Constitution of the State of California be amended to read as follows:

Section 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. Grammar schools shall include schools organized in a school district, or union of school districts, having more than one thousand inhabitants, in which a course of study shall be taught which will prepare pupils to enter the agricultural, mining, or scientific department of the University of California.

## CHAPTER XXXI.

*Assembly Joint Resolution No. 33, relative to instructing our Representatives in Congress toward securing an appropriation for improving navigation in state waterways, and providing for the disposition of debris.*

[Adopted March 22, 1897.]

WHEREAS, The State of California has appropriated the sum of two hundred and fifty thousand dollars to be expended in the construction of works for the restraining and impounding of mining and other debris, and the further sum of three hundred thousand dollars to be expended in the improvement and rectification of the navigable waterways of this State; and

WHEREAS, The State of California has thus shown its willingness to assist in a work so imperatively demanded by the needs of commerce and which cannot with safety be longer delayed, but which, of right, ought to be undertaken and carried forward to completion by the general government, which

alone has complete jurisdiction over the waterways sought to be improved; and

WHEREAS, The general government has already appropriated the sum of two hundred and fifty thousand dollars to be used in conjunction with the state appropriation of the same amount first above referred to, thus indicating a willingness to undertake the contemplated work; and

WHEREAS, All local and industrial differences that have heretofore existed between the mining and farming sections of this State have ceased to exist and complete harmony now prevails among all classes and interests in relation to the matters herein referred to; now, therefore, be it

National appropriation to improve navigation in California.

*Resolved by the Assembly and Senate of the State of California, jointly,* That our Senators in Congress be instructed and our Representatives requested to use all honorable means at their disposal to secure an early appropriation by Congress of the sum of six hundred thousand dollars, one half thereof to be expended in the construction of restraining barriers, and one half thereof to be used in dredging and otherwise improving the navigable waterways of California, to the end that the miner and farmer may be alike protected in the prosecution of their respective industries, and the commerce of a great State restored to the rightful condition.

*Resolved,* That the Governor be and he is hereby requested to cause a certified copy of these resolutions to be mailed to each of our Senators and Representatives in Congress.

## CHAPTER XXXII.

### *Assembly Joint Resolution No. 7.*

[Adopted March 22, 1897.]

Preamble. WHEREAS, There is an open ship channel between San Francisco Bay and Antioch, for vessels drawing twenty-five feet of water, with the exception of a distance of from one half to three fourths of a mile in Suisun Bay; and

WHEREAS, The water at low tide on said bar is sixteen feet in depth; therefore, be it

Dredging in Suisun Bay.

*Resolved by the Assembly, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to take such action as shall result in an estimate by government engineers of the probable cost of dredging said bar to such depth as will admit the safe passage of vessels drawing twenty-five feet of water between said points hereinbefore mentioned, and that following such report an appropriation by Congress be made to defray such expense.

*Resolved,* That a copy of these resolutions be immediately forwarded by telegraph to our Senators and Representatives in Congress by the Chief Clerk of the Assembly.



## CHAPTER XXXIII.

*Assembly Joint Resolution No. 27, relative to the punishment of seamen for leaving a vessel before the expiration of the term of service agreed upon.*

[Adopted March 22, 1897.]

WHEREAS, The seamen of our country are subject to arrest and imprisonment for leaving a vessel before the expiration of the term of service agreed upon; and Preamble.

WHEREAS, This condition imposes upon our seamen a penal punishment for the violation of a civil contract, and is obviously an infringement to the thirteenth amendment of the Constitution of the United States; and

WHEREAS, The House of Representatives, at the first session of the fifty-fourth Congress, passed bills numbers twenty-six hundred and sixty-three and sixty-three hundred and ninety-nine, which abolish imprisonment for desertion, besides inaugurating several other much-needed reforms in the conditions of our seamen; therefore, be it

*Resolved*, That we condemn the principle of imprisonment for desertion among our seamen as unjust to them, unnecessary to commerce, and repugnant to our sense of American liberty; and, moreover, in view of the recent decision of the United States Supreme Court in the Arago case, we deem such law a menace to the personal rights of every other class of workers; and urge the passage of said bills by Congress. Condemning punishment of seamen for desertion.

*Resolved*, That we commend the action of the Representatives of California in Congress in their efforts to improve the condition of our seamen and of our merchant marine; and further

*Resolved*, That a copy of these resolutions be immediately forwarded to our Representatives in Congress, to the President of the United States Senate, and to Senator Frye, chairman of the Committee on Commerce of the United States Senate.

## CHAPTER XXXIV.

*Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to section two of article four of the Constitution, in relation to sessions of the Legislature.*

[Adopted March 22, 1897.]

*Resolved by the Assembly, the Senate concurring*, That the Legislature of the State of California, at its regular session, commencing on the fourth day of January, Anno Domini one thousand eight hundred and ninety-seven, two thirds of the members elected to each of the two houses voting in favor

thereof, hereby propose that section two of article four of the Constitution of the State of California be amended to read as follows:

Sessions of  
the Legis-  
lature.

Section 2. The sessions of the Legislature shall commence at twelve o'clock meridian on the first Monday after the first day of January next succeeding the election of its members, and shall be biennial, unless the Governor shall in the interim convene the Legislature by proclamation. The Legislature shall then remain in session for twenty-five days, after which it must adjourn to some date not less than thirty nor more than sixty days from the time of adjournment. If the two houses fail to agree upon a time at which they will resume their session, the Governor shall, by proclamation, fix a date for such reconvening, which shall be within the limits above prescribed. Upon reassembling, the Legislature shall complete its session. No pay shall be allowed to members for a longer period than seventy-five days, and no bill shall be introduced in either house, except at the first twenty-five days of the session, without the consent of three fourths of the members thereof.

#### CHAPTER XXXV.

*Senate Concurrent Resolution No. 4—A resolution recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.*

[Adopted March 22, 1897.]

*Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, two thirds of all the members elected to each house concurring, hereby recommend that the electors of the State vote at the next general election upon the proposition to call a convention to revise the State Constitution, such proposition to read as follows:*

Conven-  
tion for  
revision  
of the  
Constitu-  
tion.

SECTION 1. Two thirds of the members elected to each branch of the Legislature for the thirty-second session of the Legislature of the State of California, commencing on the fourth day of January, Anno Domini eighteen hundred and ninety-seven, do hereby recommend to the electors of the State to vote at the next general election for or against a convention for the purpose of revising the Constitution of the State. Such vote to be taken for the reason that two thirds of the members of each branch of the Legislature, at said regular thirty-second session, deem it necessary to revise such Constitution. Hereby further recom-

mend that the convention to be called for such revision of the Constitution shall consist of eighty delegates, one to be chosen from each assembly district. Such delegate shall possess the same qualification, and shall be elected in the same manner as members of the Assembly. They shall receive as compensation the sum of eight dollars per day, with the same mileage as the members of the Assembly; and there shall be a reasonable number of clerks and other attachés, whose compensation shall be fixed by the convention. At such next general election the ballot used shall, in addition to the other names and matters required by law to be printed thereon, contain the words "For the convention," and the words "Against the convention," written or printed thereon in a suitable place, with the appropriate space for each elector to designate his intention with respect to such proposition. The election officers at each and every voting precinct in the State shall make and ascertain, and make returns of the number of votes cast in favor of a convention, and the number of votes cast against a convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned, and an abstract thereof shall be transmitted by each and every County Clerk of the State, and each and every Registrar of Voters in any county, or city and county, of the State, to the Secretary of State, in the same manner, and within the same time, that votes for state officers are now by law required to be transmitted.

SEC. 2. The Secretary of State shall have authority to compel the mailing of such returns, and when received, shall prepare and lay before the Governor of the State a complete abstract of the whole number of votes cast "for" and "against" a convention. If it shall appear from the returns of the County Clerks and Registrar of Voters that a majority of the electors voting at such general election on the proposition for a convention shall have voted in favor of calling such convention, it shall be the duty of the Governor to forthwith issue his proclamation, announcing the fact that such convention has been called; and thereupon, it shall be the duty of the Legislature at its session next after such election, to provide by law for the election of delegates to such convention, and for the holding thereof at the state capitol. All vacancies in the offices of delegates to be filled in the same manner as vacancies in the office of Assemblyman, and all contests over the election of delegates to be determined by the convention. Such convention to meet within three months from the date of the election calling it, and shall continue in session until it shall have completed the work of revision, and provided for submitting the same to the electors for approval or rejection.

Number of delegates.

Compensation.

Ballots.

Canvass of vote.

Authority of Secretary of State.

Proclamation by Governor.

Date of holding convention.

## CHAPTER XXXVI.

*Senate Concurrent Resolution No. 14, relative to returning to the Senate Senate Bill No. 136 for correction.*

[Adopted March 22, 1897.]

Senate Bill  
No. 136. *Resolved by the Senate, the Assembly concurring,* That the Governor be requested to return to the Senate Senate Bill No. 136, for the purpose of correcting errors therein.

## CHAPTER XXXVII.

*Senate Concurrent Resolution No. 13.*

[Adopted March 22, 1897.]

WHEREAS, George Berger was employed as a messenger between the Senate and Assembly during this thirty-second session; and

WHEREAS, On the twelfth day of February, eighteen hundred and ninety-seven, he met with an accident in the capitol building, in falling from the second floor to the first floor, endangering his life and entailing the expense of sickness; and

WHEREAS, The said accident occurred while in the discharge of his duties as such messenger; now, therefore, be it

Appropriating  
money for  
George  
Berger.

*Resolved by the Senate, the Assembly concurring,* That the said George Berger be paid the sum of sixty dollars, being the amount which he would have been entitled to had such accident not happened; one half of said amount to be paid from the contingent fund of the Senate, and one half from the contingent fund of the Assembly. The Controller is hereby directed to draw his warrants for said amounts on said funds in favor of said George Berger, and the Treasurer is directed to pay the same.