

THE  
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

THIRTY-THIRD SESSION OF THE LEGISLATURE,

1899.

BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON SUNDAY, MARCH  
NINETEENTH, EIGHTEEN HUNDRED AND NINETY-NINE.



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1899.



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103	An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court. Approved March 20, 1899	S. B. 724	142
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120	An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections. Approved March 20, 1899.....	S. B. 731.....	153
121	An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches, and prize or ring fights. Approved March 20, 1899.....	A. B. 538.....	153
122	An Act making an appropriation to pay the claim of Olive R. Chapman arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895. Approved March 20, 1899.....	A. B. 248.....	154
123	An Act to appropriate the sum of \$150 to pay the claim of the Downey Champion for money due and owing the said Downey Champion from the State of California. Approved March 20, 1899.....	Sub. S. B. 654	154
124	An Act to add a new section to the Penal Code of the State of California, to be known as Section 259, relating to libel. Approved March 20, 1899.....	S. B. 530.....	155

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125	An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds. Approved March 20, 1899.....	A. B. 938.....	156
126	An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation. Approved March 21, 1899.....	S. B. 320.....	157
127	An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of 1898, their privileges and exemptions, and retirements, and providing for the return to the National Guard of such organizations, officers, and members. Approved March 21, 1899.....	A. B. 789.....	158
128	An Act to amend Sections 3, 5, 6, and 8 of Article II of an Act entitled "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. Approved March 21, 1899.....	A. B. 506.....	160
129	An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered, respectively, Sections 248, 249, and 250, relating to the committees of the respective houses of the Legislature, and to the duties of the Judiciary and Standing Committees thereof. Approved March 22, 1899.....	A. B. 416.....	164
130	An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor. Approved March 22, 1899.....	A. B. 950.....	165
131	An Act authorizing the Governor and the Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor. Approved March 22, 1899.....	S. B. 461.....	166
132	An Act to provide for the payment of costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor. Approved March 22, 1899.....	A. B. 581.....	167
133	An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting, and macadamizing of Warring street 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 Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street laws of this State. Approved March 22, 1899.....	A. B. 39.....	169
134	An Act making an appropriation to pay the salaries of the employés of the Commissioner of Public Works. Approved March 22, 1899.....	A. B. 682.....	169
135	An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Warring street, 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 22, 1899.....	A. B. 347.....	170

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136	An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock: to prevent the sale of milk, and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor. Approved March 22, 1899.....	S. B. 732.....	171
137	An Act to appropriate the sum of \$21.50 to pay the claim of M. G. Barrett for money due and owing the said M. G. Barrett from the State of California. Approved March 22, 1899.....	S. B. 625.....	174
138	An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor. Approved March 22, 1899.....	S. B. 6.....	174
139	An Act appropriating \$45,000 to complete one wing of, and equip the building now being constructed for the use of the State Normal School of San Diego, California. Approved March 22, 1899.....	S. B. 228.....	175
140	An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor. Approved March 22, 1899.....	A. B. 54.....	175
141	An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$20,000. Approved March 22, 1899.....	A. B. 443.....	177
142	An Act amending the Civil Code of the State of California by adding thereto a new section, to be numbered 494, authorizing the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used. Approved March 22, 1899.....	Sub. S. B. 27.....	178
143	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 March 22, 1899.....	S. B. 271.....	179
144	An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol. Approved March 22, 1899.....	S. B. 434.....	180
145	An Act to appropriate the sum of \$1,000 to pay the claim of John C. Pelton for money due and owing the said John C. Pelton from the State of California. Approved March 22, 1899.....	A. B. 455.....	180
146	An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund. Approved March 22, 1899.....	S. B. 734.....	181
147	An Act to appropriate the sum of \$250 to pay the claim of Democratic Printing House (Leake) for money due and owing the said Democratic Printing House (Leake) from the State of California. Approved March 22, 1899.....	Sub. S. B. 629.....	181
148	An Act making an appropriation to pay the claim of Office Specialty Manufacturing Company for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento. Approved March 22, 1899.....	A. B. 618.....	182

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150	An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties. Approved March 22, 1899.....	S. B. 72 ...	183
151	An Act to appropriate the sum of \$135 to pay the claim of Clark & Sharp, for money due and owing the said Clark & Sharp from the State of California. Approved March 22, 1899.....	A. B. 915 ...	184
152	An Act to appropriate the sum of \$150 to pay the claim of Thomas M. Menihan for money due and owing the said Thomas M. Menihan from the State of California. Approved March 22, 1899.....	A. B. 803 ...	184
153	An Act to appropriate the sum of \$75 to pay the claim of Butchers' and Stock-Growers' Journal for money due and owing the said Butchers' and Stock-Growers' Journal from the State of California. Approved March 22, 1899.....	A. B. 903....	185
154	An Act to appropriate the sum of \$125 to pay the claim of Blue Lake Advocate for money due and owing the said Blue Lake Advocate from the State of California. Approved March 22, 1899.....	A. B. 863 ...	185
155	An Act to appropriate the sum of \$150 to pay the claim of J. L. Childs for money due and owing the said J. L. Childs from the State of California. Approved March 22, 1899.....	A. B. 766 ...	186
156	An Act to appropriate the sum of \$250 to pay the claim of Alfred Harrell for money due and owing the said Alfred Harrell from the State of California. Approved March 22, 1899.....	A. B. 906 ...	186
157	An Act to appropriate the sum of \$3,400 to pay the claim of San Francisco Call for money due and owing the said San Francisco Call from the State of California. Approved March 22, 1899.....	A. B. 734....	187
158	An Act to appropriate the sum of \$300 to pay the claim of J. B. Sanford for money due and owing the said J. B. Sanford from the State of California. Approved March 22, 1899.....	A. B. 875....	187
159	An Act to appropriate the sum of \$250 to pay the claim of A. A. Taylor for money due and owing the said A. A. Taylor from the State of California. Approved March 22, 1899.....	A. B. 840....	188
160	An Act to appropriate the sum of \$100 to pay the claim of the Willows Promoter for money due and owing the said Willows Promoter from the State of California. Approved March 22, 1899.....	A. B. 785 ..	188
161	An Act to appropriate the sum of \$250 to pay the claim of the Town Talk Publishing Company for money due and owing the said Town Talk Publishing Company from the State of California. Approved March 22, 1899.....	A. B. 809....	189
162	An Act to appropriate the sum of \$225 to pay the claim of the Napa Journal for money due and owing the said Napa Journal from the State of California. Approved March 22, 1899.....	A. B. 958....	189
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165	An Act to appropriate the sum of \$1,100 to pay the claim of W. A. Spaulding for money due and owing the said W. A. Spaulding from the State of California. Approved March 22, 1899	A. B. 865	191
166	An Act to appropriate the sum of \$1,000 to pay the claim of California Demokrat for money due and owing the said California Demokrat from the State of California. Approved March 22, 1899	A. B. 864	191
167	An Act to appropriate the sum of \$400 to pay the claim of the Daily Encinal for money due and owing the said Daily Encinal from the State of California. Approved March 22, 1899	A. B. 907	192
168	An Act to appropriate the sum of \$575 to pay the claim of James H. Barry for money due and owing to the said James H. Barry from the State of California. Approved March 22, 1899	A. B. 736	192
169	An Act to appropriate the sum of \$600 to pay the claim of Herald Publishing Company for money due and owing the said Herald Publishing Company from the State of California. Approved March 22, 1899	A. B. 836	193
170	An Act to appropriate the sum of \$120 to pay the claim of The Chico Daily Record for money due and owing the said The Chico Daily Record from the State of California. Approved March 22, 1899	A. B. 891	193
171	An Act to appropriate the sum of \$150 to pay the claim of M. F. McFarland for money due and owing the said M. F. McFarland from the State of California. Approved March 22, 1899	A. B. 934	194
172	An Act to appropriate the sum of \$150 to pay the claim of Williams Farmer for money due and owing the said Williams Farmer from the State of California. Approved March 22, 1899	A. B. 968	194
173	An Act to appropriate the sum of \$100 to pay the claim of Events for money due and owing said Events from the State of California. Approved March 22, 1899	A. B. 848	195
174	An Act to appropriate the sum of \$150 to pay the claim of Gonzales Tribune for money due and owing the said Gonzales Tribune from the State of California. Approved March 22, 1899	A. B. 918	195
175	An Act to appropriate the sum of \$150 to pay the claim of W. D. Pennycook for money due and owing the said W. D. Pennycook from the State of California. Approved March 22, 1899	A. B. 843	196
176	An Act to appropriate the sum of \$175 to pay the claim of Shasta County Democrat for money due and owing the said Shasta County Democrat from the State of California. Approved March 22, 1899	A. B. 900	196
177	An Act to appropriate the sum of \$175 to pay the claim of Trinity Journal for money due and owing the said Trinity Journal from the State of California. Approved March 22, 1899	A. B. 881	197
178	An Act to appropriate the sum of \$100 to pay the claim of M. C. Dufficy for money due and owing the said M. C. Dufficy from the State of California. Approved March 22, 1899	A. B. 969	197



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183	An Act to appropriate the sum of \$50 to pay the claim of McNab & Cassidy for money due and owing the said McNab & Cassidy from the State of California. Approved March 22, 1899.....	A. B. 799.....	200
184	An Act to appropriate the sum of \$150 to pay the claim of Big Valley Gazette for money due and owing the said Big Valley Gazette from the State of California. Approved March 22, 1899.....	A. B. 890.....	200
185	An Act to appropriate the sum of \$350 to pay the claim of the Appeal Publishing Company for money due and owing the said Appeal Publishing Company from the State of California. Approved March 22, 1899.....	A. B. 856.....	201
186	An Act to appropriate the sum of \$114 to pay the claim of Fullerton Tribune for money due and owing the said Fullerton Tribune from the State of California. Approved March 22, 1899.....	A. B. 974.....	201
187	An Act to appropriate the sum of \$150 to pay the claim of the Mountain Messenger for money due and owing the said Mountain Messenger from the State of California. Approved March 22, 1899.....	A. B. 747.....	202
188	An Act to appropriate the sum of \$180 to pay the claim of L. F. Eastin for money due and owing the said L. F. Eastin from the State of California. Approved March 22, 1899.....	A. B. 463.....	202
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191	An Act to appropriate the sum of \$180 to pay the claim of John McGonigle for money due and owing the said John McGonigle from the State of California. Approved March 22, 1899.....	A. B. 822.....	204
192	An Act to appropriate the sum of \$150 to pay the claim of the Inyo Independent for money due and owing the said Inyo Independent from the State of California. Approved March 22, 1899.....	A. B. 904.....	204
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194	An Act to appropriate the sum of \$400 to pay the claim of Allen B. Lemmon for money due and owing the said Allen B. Lemmon from the State of California. Approved March 22, 1899.....	A. B. 790.....	205

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196	An Act to appropriate the sum of \$750 to pay the claim of Daily Record Publishing Company, Stockton, for money due and owing the said Daily Record Publishing Company, Stockton, from the State of California. Approved March 22, 1899	Sub. S. B. 609	206
197	An Act to appropriate the sum of \$375 to pay the claim of Contra Costa Gazette for money due and owing the said Contra Costa Gazette from the State of California. Approved March 22, 1899	Sub. S. B. 616	207
198	An Act to appropriate the sum of \$150 to pay the claim of Daily and Weekly News, Red Bluff, for money due and owing the said Daily and Weekly News, Red Bluff, from the State of California. Approved March 22, 1899	Sub. S. B. 626	207
199	An Act to appropriate the sum of \$150 to pay the claim of Evening Transcript, San Bernardino, for money due and owing the said Evening Transcript, San Bernardino, from the State of California. Approved March 22, 1899	Sub. S. B. 631	208
200	An Act to appropriate the sum of \$900 to pay the claim of Stockton Mail for money due and owing the said Stockton Mail from the State of California. Approved March 22, 1899.	Sub. S. B. 583	208
201	An Act to appropriate the sum of \$125 to pay the claim of William O'Brien, Sutter Independent, for money due and owing the said Sutter Independent from the State of California. Approved March 22, 1899.	Sub. S. B. 594	209
202	An Act to appropriate the sum \$175 to pay the claim of Sutter Publishing Company for money due and owing the said Sutter Publishing Company from the State of California. Approved March 22, 1899	Sub. S. B. 595	209
203	An Act to appropriate the sum of \$900 to pay the claim of Daily Independent, Stockton, for money due and owing the said Daily Independent, Stockton, from the State of California. Approved March 22, 1899	Sub. S. B. 582	210
204	An Act to appropriate the sum of \$900 to pay the claim of Sacramento Publishing Company, Record-Union, for money due and owing the said Sacramento Publishing Company, Record-Union, from the State of California. Approved March 22, 1899	Sub. S. B. 578	210
205	An Act to appropriate the sum of \$150 to pay the claim of the Index-Tribune for money due and owing the said Index-Tribune from the State of California. Approved March 22, 1899	Sub. S. B. 637	211
206	An Act to appropriate the sum of \$4,000 to pay the claim of The Examiner (W. R. Hearst) for money due and owing the said The Examiner (W. R. Hearst) from the State of California. Approved March 22, 1899	Sub. S. B. 633	211
207	An Act to appropriate the sum of \$350 to pay the claim of the Daily and Weekly Sentinel for money due and owing the said Daily and Weekly Sentinel from the State of California. Approved March 22, 1899	Sub. S. B. 627	212
208	An Act to appropriate the sum of \$450 to pay the claim of San Francisco Abend Post for money due and owing the said San Francisco Abend Post from the State of California. Approved March 22, 1899	Sub. S. B. 617	212

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210	An Act to appropriate the sum of \$300 to pay the claim of Emanu-El for money due and owing the said Emanu-El from the State of California. Approved March 22, 1899	Sub. S. B. 576	213
211	An Act to appropriate the sum of \$300 to pay the claim of Visalia Daily Times for money due and owing the said Visalia Daily Times from the State of California. Approved March 22, 1899	Sub. S. B. 657	214
212	An Act to appropriate the sum of \$100 to pay the claim of the Labor Advocate for money due and owing the said Labor Advocate from the State of California. Approved March 22, 1899	Sub. S. B. 666	214
213	An Act to appropriate the sum of \$175 to pay the claim of the Healdsburg Tribune for money due and owing the said Healdsburg Tribune from the State of California. Approved March 22, 1899	Sub. S. B. 638	215
214	An Act to appropriate the sum of \$250 to pay the claim of Santa Ana Standard for money due and owing the said Santa Ana Standard from the State of California. Approved March 22, 1899	Sub. S. B. 719	215
215	An Act to appropriate the sum of \$250 to pay the claim of Sun Publishing Company, Colusa, for money due and owing the said Sun Publishing Company, Colusa, from the State of California. Approved March 22, 1899	Sub. S. B. 718	216
216	An Act to appropriate the sum of \$717.75 to pay the claim of Daily Morning Union, Grass Valley, for money due and owing the said Daily Morning Union, Grass Valley, from the State of California. Approved March 22, 1899	Sub. S. B. 558	216
217	An Act to appropriate the sum of \$3,400 to pay the claim of the San Francisco Bulletin for money due and owing the said San Francisco Bulletin from the State of California. Approved March 22, 1899	Sub. S. B. 599	217
218	An Act to appropriate the sum of \$175 to pay the claim of National Bulletin for money due and owing the said National Bulletin from the State of California. Approved March 22, 1899	Sub. S. B. 560	217
219	An Act making an appropriation to pay the claim of the San Francisco Bulletin for advertising the constitutional amendments for the year 1896. Approved March 22, 1899	S. B. 272	218
220	An Act to appropriate the sum of \$2,000 to pay the claim of San Francisco Report for money due and owing the said San Francisco Report from the State of California. Approved March 22, 1899	Sub. S. B. 575	218
221	An Act to appropriate the sum of \$550 to pay the claim of The Los Angeles Record for money due and owing the said The Los Angeles Record from the State of California. Approved March 22, 1899	Sub. S. B. 574	219
222	An Act to appropriate the sum of \$450 to pay the claim of San Diego Sun Publishing Company for money due and owing the said San Diego Sun Publishing Company from the State of California. Approved March 22, 1899	Sub. S. B. 573	219

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224	An Act to appropriate the sum of \$2,160 to pay the claim of The Oakland Tribune for money due and owing the said The Oakland Tribune from the State of California. Approved March 22, 1899.....	Sub. S. B. 567	220
225	An Act to appropriate the sum of \$150 to pay the claim of the Alturas Plain Dealer for money due and owing the said Alturas Plain Dealer from the State of California. Approved March 22, 1899.....	Sub. S. B. 606	221
226	An Act to appropriate the sum of \$175 to pay the claim of Yreka Journal for money due and owing the said Yreka Journal from the State of California. Approved March 22, 1899.....	Sub. S. B. 604	221
227	An Act to appropriate the sum of \$1,000 to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) for money due and owing the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) from the State of California. Approved March 22, 1899.....	Sub. S. B. 600	222
228	An Act to appropriate the sum of \$150 to pay the claim of Fresno Evening Democrat for money due and owing the said Fresno Evening Democrat from the State of California. Approved March 22, 1899.....	Sub. S. B. 681	222
229	An Act to appropriate the sum of \$600 to pay the claim of L'Italia for money due and owing the said L'Italia from the State of California. Approved March 22, 1899.....	Sub. S. B. 679	223
230	An Act to appropriate the sum of \$246 65 to pay the claim of the Hollister Bee for money due and owing said Hollister Bee from the State of California. Approved March 22, 1899.....	Sub. S. B. 674	223
231	An Act to appropriate the sum of \$375 to pay the claim of The County Paper for money due and owing the said The County Paper from the State of California. Approved March 22, 1899.....	Sub. S. B. 728	224
232	An Act to appropriate the sum of \$150 to pay the claim of The River News for money due and owing the said The River News from the State of California. Approved March 22, 1899.....	Sub. S. B. 694	224
233	An Act to appropriate the sum of \$200 to pay the claim of Redwood City Democrat for money due and owing the said Redwood City Democrat from the State of California. Approved March 22, 1899.....	Sub. S. B. 692	225
234	An Act to appropriate the sum of \$175 to pay the claim of The Placer Herald for money due and owing the said The Placer Herald from the State of California. Approved March 22, 1899.....	Sub. S. B. 643	225
235	An Act to provide for the payment for the advertising of the constitutional amendments and to make an appropriation therefor. Approved March 22, 1899.....	S. B. 522.....	226
236	An Act to appropriate the sum of \$150 to pay the claim of The Weekly New Era for money due and owing the said The Weekly New Era from the State of California. Approved March 22, 1899.....	Sub. S. B. 726	226
237	An Act to appropriate the sum of \$250 to pay the claim of Daily Hanford Journal for money due and owing the said Daily Hanford Journal from the State of California. Approved March 22, 1899.....	Sub. S. B. 727	227

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239	An Act to appropriate the sum of \$750 to pay the claim of San Diego Vidette Company for money due and owing the said San Diego Vidette Company from the State of California. Approved March 22, 1899.	Sub. S. B. 650	228
240	An Act to appropriate the sum of \$1,200 to pay the claim of Oakland Enquirer Publishing Company for money due and owing the said Oakland Enquirer Publishing Company from the State of California. Approved March 22, 1899.	Sub. S. B. 641	228
241	An Act to appropriate the sum of \$175 to pay the claim of Mountain Democrat, Placerville, G. & J. Carpenter, for money due and owing the said Mountain Democrat, Placerville, G. & J. Carpenter, from the State of California. Approved March 22, 1899.	Sub. S. B. 644	229
242	An Act to appropriate the sum of \$200 to pay the claim of Jewish Times-Observer for money due and owing the said Jewish Times-Observer from the State of California. Approved March 22, 1899.	Sub. S. B. 645	229
243	An Act to appropriate the sum of \$150 to pay the claim of Reporter Publishing Company, Vacaville, for money due and owing the said Reporter Publishing Company from the State of California. Approved March 22, 1899.	Sub. S. B. 684	230
244	An Act to appropriate the sum of \$250 to pay the claim of George Roe, Vallejo Daily Times, for money due and owing the said George Roe, Vallejo Daily Times, from the State of California. Approved March 22, 1899.	Sub. S. B. 685	230
245	An Act to appropriate the sum of \$600 to pay the claim of the Franco-Californien for money due and owing the said Franco-Californien from the State of California. Approved March 22, 1899.	Sub. S. B. 707	231
246	An Act to appropriate the sum of \$175 to pay the claim of Cloverdale Reveille for money due and owing the said Cloverdale Reveille from the State of California. Approved March 22, 1899.	Sub. S. B. 640	231
247	An Act to appropriate the sum of \$200 to pay the claim of Marin County Tocsin for money due and owing the said Marin County Tocsin from the State of California. Approved March 22, 1899.	Sub. S. B. 591	232
248	An Act to appropriate the sum of \$200 to pay the claim of the Santa Clara News for money due and owing the said Santa Clara News from the State of California. Approved March 22, 1899.	Sub. S. B. 653	232
249	An Act to appropriate the sum of \$400 to pay the claim of Daily Riverside Enterprise for money due and owing the said Daily Riverside Enterprise from the State of California. Approved March 22, 1899.	Sub. S. B. 682	233
250	An Act to appropriate the sum of \$300 to pay the claim of the Daily Independent for money due and owing the said Daily Independent from the State of California. Approved March 22, 1899.	Sub. S. B. 698	233

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251	An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this Act any territory and property under the jurisdiction or control of any incorporated city or town, or any Board of State Harbor Commissioners. Approved March 22, 1899	A. B. 440	234
252	An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition. Approved March 27, 1899	S. B. 155	235
253	An Act to amend Section 4 of an Act entitled "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; and making an appropriation to pay the salary and expenditures provided for and authorized by said Act, for the remainder of the fiftieth and for the fifty-first and fifty-second fiscal years. Approved March 28, 1899	A. B. 542	236

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL  
AMENDMENTS.

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
1	Relative to appropriation by Congress for San Luis breakwater. Adopted January 20, 1899	A. J. R. 2	241
2	Approving the charter of the consolidated City and County of San Francisco, a municipal corporation, in the State of California, voted for and ratified by the qualified voters of said city and county at a special election held therein for that purpose, on the 26th day of May, 1898. Adopted January 26, 1899	A. C. R. 6	241
3	Relative to the improvement of Humboldt Bay. Adopted January 26, 1899	S. J. R. 4	368
4	Relative to the construction of navy yards and ship building. Adopted January 26, 1899	S. J. R. 6	368
5	Approving the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for this purpose, on the 21st day of March, 1898. Adopted January 26, 1899	S. C. R. 3	370
6	Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899. Adopted February 3, 1899	S. J. R. 9	441
7	Relative to construction and ownership of Nicaragua canal. Adopted February 3, 1899	S. J. R. 10	442
8	Relative to the appointment of committees to draft resolutions to the memory of the late Hon. John Boggs. Adopted February 4, 1899	S. C. R. 4	443

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
9	Relative to improvement of San Pablo Bay. Adopted February 6, 1899.....	S. J. R. 12...	443
10	Relative to the consent of the Legislature to the absence from the State of the Lieutenant-Governor of the State, Hon. Jacob H. Neff, for a period not to exceed six months. Adopted February 9, 1899.....	S. C. R. 6...	444
11	Relative to irrigation of arid lands. Adopted February 9, 1899.....	S. J. R. 8...	444
12	Relating to false branding of food products. Adopted February 11, 1899.....	S. J. R. 7...	445
13	Relative to Brigham H. Roberts. Adopted February 11, 1899.....	S. J. R. 15...	446
14	Commending California troops at Manila. Adopted February 14, 1899.....	S. C. R. 7...	446
15	Relative to private office for Lieutenant-Governor. Adopted February 15, 1899.....	S. C. R. 5...	447
16	To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section No. 1½, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings. Adopted February 17, 1899.....	A. C. A. 6...	447
17	Approving the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, 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 20th day of September, 1898. Adopted February 20, 1899.....	A. C. R. 13...	448
18	Relative to setting over and establishing granite posts to mark a true boundary line between the States of California and Nevada. Adopted February 24, 1899.....	A. J. R. 10...	490
19	Relative to money due and unpaid to the State of California from the National Government for fitting out volunteers. Adopted February 25, 1899.....	S. J. R. 11...	491
20	Relative to an inquiry into the alleged servitude in Siberia of Frank Bassford and companions. Adopted March 2, 1899.....	A. J. R. 14...	491
21	Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make. Adopted March 2, 1899.....	S. J. R. 20...	492
22	Relative to the consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for a period not to exceed four months. Adopted March 3, 1899.....	A. C. R. 16...	492
23	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 10, Article IX, thereof, confirming the founding of the Leland Stanford Junior University, delegating certain powers to the trustees thereof, and authorizing the exemption of certain of its property from taxation. Adopted March 3, 1899.....	A. C. A. 23...	493
24	Relative to exposition at San Francisco in 1901, of products and industries of Pacific Ocean countries. Adopted March 3, 1899.....	A. J. R. 12...	494
25	Relative to Yosemite National Park. Adopted March 6, 1899.....	S. J. R. 18...	495

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
26	Relative to the Mineral Land Bill. Adopted March 6, 1899.....	S. J. R. 21...	496
27	Relative to leave of absence for Dr. George I. Drucker. Adopted March 6, 1899.....	S. C. R. 10....	497
28	Relative to irrigation of San Joaquin Valley. Adopted March 6, 1899.....	A. J. R. 7....	497
29	Relative to pasturing of stock in Stanislaus, Sierra, Mariposa, and Sequoia forest reserves. Adopted March 8, 1899.....	S. J. R. 22....	498
30	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 Article IX thereof, to be numbered with the next consecutive number of sections in said article, relating to exempting from taxation all property of "The California School of Mechanical Arts." Adopted March 11, 1899.....	A. C. A. 14....	499
31	Relative to the consent of the Legislature to absence from the State of State Senator H. L. Pabe of Tulare, for a period not to exceed six months. Adopted March 16, 1899.....	S. C. R. 12....	499
32	Resolution as to making upon the island of Molokai a leper hospital for the care of all lepers within the United States. Adopted March 17, 1899.....	S. J. R. 19....	500
33	To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, by adding a new section thereto, to be known as Section No. 13 $\frac{1}{2}$ , relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, or city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation and irrigation districts) within said State. Adopted March 17, 1899.....	S. C. A. 14....	500
34	Relative to adjournment. Adopted March 17, 1899.....	A. C. A. 19....	501
35	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 21 $\frac{1}{2}$ , Article II, thereof, concerning primary elections. Adopted March 18, 1899.....	S. C. A. 4....	501
36	Proposed amendment to Article VI of the Constitution, relative to the compensation of Supreme and Superior Court Judges. Adopted March 18, 1899.....	S. C. A. 9....	502
37	To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary and establishing Courts of Appeal. Adopted March 18, 1899.....	S. C. A. 22....	503



## 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.
Henry T. Gage .....	Governor .....	Los Angeles.
Jacob H. Neff .....	Lieutenant-Governor .....	Colfax.
Charles F. Curry .....	Secretary of State .....	San Francisco.
E. P. Colgan .....	Controller .....	Santa Rosa.
Truman Reeves .....	Treasurer .....	San Bernardino.
Tirey L. Ford .....	Attorney-General .....	San Francisco.
Martin J. Wright .....	Surveyor-General .....	Visalia.
Thomas J. Kirk .....	Superintendent of Public Instruction .....	Fresno.
A. J. Johnston .....	Superintendent of State Printing .....	Sacramento.
E. L. Peeler .....	Adjutant-General .....	Fresno.
Frank L. Coombs .....	State Librarian .....	Napa.
W. I. Foley .....	Private Secretary to Governor .....	Los Angeles.

### STATE BOARD OF EQUALIZATION.

Name.	District.	Residence.
A. Chesebrough .....	First .....	San Francisco.
Alexander Brown .....	Second .....	Milton.
Richard Beamer .....	Third .....	Woodland.
Thomas O. Toland .....	Fourth .....	Ventura.
E. P. Colgan .....	Ex officio .....	Santa Rosa.
Charles M. Coglan .....	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.
F. W. Henshaw .....	Associate Justice .....	Oakland.
Ralph C. Harrison .....	Associate Justice .....	San Francisco.
C. H. Garoutte .....	Associate Justice .....	Woodland.
Walter Van Dyke .....	Associate Justice .....	Los Angeles.
George W. Root .....	Clerk .....	San Francisco.

## SENATORS.

JACOB H. NEFF

President.

Dis.	Name.	County.	Post Office.
24	Ashe, R. Porter (D.)	San Francisco	1107 Bush St.
22	Bettman, Sig. M. (R.)	San Francisco	1355 Post St.
8	Boggs, John (D.)*	Mendocino, Colusa, Glenn	Princeton.
35	Boyer, J. J. (R.)	Santa Barbara, Ventura	Santa Barbara.
17	Braunhart, Samuel (D.)	San Francisco	818 Elm St.
37	Bulla, R. N. (R.)	Los Angeles	Los Angeles.
20	Burnett, F. W. (R.)	San Francisco	494 Valencia St.
5	Chapman, E. W. (D.)	El Dorado, Placer	Greenwood.
38	Currier, A. T. (R.)	Los Angeles	Spadra.
12	Curtin, J. B. (D.)	Tuolumne, Stanislaus, Merced, Mariposa	Sonora.
6	Cutter, W. M. (R.)	Yolo, Yuba, Sutter	Marysville.
14	Davis, John F. (R.)	Amador, Calaveras, Alpine, Mono	Jackson.
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.
1	Gillette, J. N. (R.)	Humboldt, Del Norte	Eureka.
23	Hall, Sidney (D.)	San Francisco	11 Washington Ave.
18	Hoey, John A. (R.)	San Francisco	85 1/2 Boardman Place.
39	Jones, T. J. (R.)	Orange, San Bernardino, River- side	Anaheim.
2	Laird, James T. (R.)	Shasta, Siskiyou, Trinity, Modoc, Lassen	Alturas.
15	Langford, B. F. (D.)	San Joaquin	Acampo.
7	La Rue, C. L. (D.)	Napa, Lake	Yountville.
26	Leavitt, Frank W. (R.)	Alameda	Oakland.
9	Luchsinger, J. J. (R.)	Solano	Vallejo.
4	Maggard, W. F. (R.)	Butte, Tehama	Coming.
31	Morehouse, H. V. (R.)	Santa Clara	San José.
40	Nutt, A. E. (R.)	San Diego	San Diego.
32	Pace, H. L. (D.)	Tulare, Inyo, Kings.	Tulare.
3	Prisk, W. F. (D.)	Nevada, Plumas, Sierra	Grass Valley.
16	Rowell, Chester (R.)	Fresno, Madera	Fresno.
30	Shortridge, C. M. (R.)	Santa Clara	San José.
36	Simpson, C. M. (R.)	Los Angeles	Pasadena.
10	Sims, J. C. (D.)	Sonoma	Santa Rosa.
34	Smith, S. C. (R.)	Kern, San Luis Obispo	Bakersfield.
27	Stratton, F. S. (R.)	Alameda	Oakland.
28	Taylor, E. K. (R.)	Alameda	Alameda.
29	Trout, D. H. (R.)	Santa Cruz, San Mateo	Boulder Creek.
21	Wolfe, Edward I. (R.)	San Francisco	659 Broderick St.

\* Died January 30, 1899. J. W. Goad (D.) was elected to fill the vacancy, and took his seat March 17, 1899.

## OFFICERS OF THE SENATE.

Name.	Official Position.
Jacob H. Neff, of Colfax	President.
Thomas Flint, Jr., of San Juan	President pro tem.
F. J. Brandon, of San José	Secretary.
Fred L. Thomas, of San José	Assistant Secretary.
Ernest W. Michaelis, of Monterey	Assistant Secretary.
Miss M. P. Jones, of Anaheim	Assistant Secretary.
J. Louis Martin, of San Francisco	Sergeant-at-Arms.
W. I. Burns, of San Francisco	Assistant Sergeant-at-Arms.
E. F. Mitchell, of Fresno	Minute Clerk.
W. F. Mixon, of Woodland	Journal Clerk.
C. E. Mayhew, of Red Bluff	Engrossing and Enrolling Clerk.
Miss L. M. Luchsinger, of Vallejo	Postmistress.
Miss M. P. Hughes, of San José	Assistant Postmistress.
Rev. A. J. Sturtevant, of Sacramento	Chaplain.

## ASSEMBLYMEN.

HOWARD E. WRIGHT ..... Speaker, January 2d to 31st.

ALDEN ANDERSON ..... Elected Speaker January 31st.

Districts	Name.	County.	Post Office.
19	Anderson, Alden (R.)	Solano	Suisun.
58	Arnerich, M. E. (R.)	Santa Clara	Frohm.
23	Atherton, J. W. (R.)	Marin	Novato.
44	Barry, M. H. (R.)	San Francisco	1221½ Union St.
5	Beecher, J. H. (R.)	Shasta, Modoc	Anderson.
24	Belshaw, C. M. (R.)	Contra Costa	Antioch.
50	Bliss, J. A. (R.)	Alameda	Oakland.
27	Blood, H. S. (R.)	Calaveras	Angels.
65	Boone, W. P. (D.)	Tulare	Dinuba.
3	Boynton, C. H. (R.)	Humboldt	Ferndale.
22	Brooke, M. (D.)	Sacramento	Oak Park.
52	Brown, H. W. (R.)	San Mateo	Colma.
67	Burnett, J. K. (D.)	San Luis Obispo	Paso Robles.
15	Caminetti, A. (D.)	Amador	Jackson.
69	Cargill, C. G. (R.)	San Benito	San Juan.
56	Chynoweth, H. W. (R.)	Orange	Anaheim.
54	Clark, W. A. (R.)	Santa Clara	Mountain View.
6	Clough, G. G. (R.)	Sierra, Lassen, Plumas	Quincy.
35	Cobb, W. H. (R.)	San Francisco	37 Hill St.
75	Conrey, N. P. (R.)	Los Angeles	Los Angeles.
64	Cosper, E. T. (R.)	Tulare, Kings	Tulare.
17	Cowan, W. F. (D.)	Sonoma	Santa Rosa.
80	Crowder, A. S. (R.)	San Diego	La Mesa.
34	Crowly, J. J. (D.)	San Francisco	646 Valencia St.
66	Dale, R. C. (R.)	Kern	Bakersfield.
7	De Lancie, R. (R.)	Butte	Oroville.
30	Devoto, L. A. (R.)	San Francisco	812 Bryant St.
41	Dibble, Henry C. (R.)	San Francisco	1812 Vallejo St.
25	Dunlap, F. E. (R.)	San Joaquin	Stockton.
63	Fairweather, J. (D.)	Fresno, Madera	Reedley.
61	Feliz, F. P. (D.)	Monterey	Monterey.
10	Glenn, F. B. (D.)	Colusa, Glenn, Lake	Jacinto.
69	Greenwell, C. B. (R.)	Ventura	Hueneme.
62	Griffin, J. M. (D.)	Fresno	Madera.
32	Hanley, J. M. (D.)	San Francisco	630 Florida St.
42	Henry, Lorenzo A. (R.)	San Francisco	1203 Taylor St.
23	Hoey, L. (D.)	San Francisco	106 Stewart St.
71	Huber, O. H. (R.)	Los Angeles	Pomona.
1	Jilson, C. B. (R.)	Del Norte, Siskiyou	Hornbrook.
20	Johnson, Grove L. (R.)	Sacramento	Sacramento.
48	Kelley, J. McD. (R.)	Alameda	Oakland.
55	Kelsey, J. D. (R.)	Santa Clara	San José.
29	Kenneally, C. F. (R.)	San Francisco	544 Bryant St.
21	Knights, W. D. (R.)	Sacramento	Sacramento.
47	Knowland, Jos. R. (R.)	Alameda	Alameda.
4	La Barea, W. H. (R.)	Tehama, Trinity	Weaverville.
16	Le Baron, H. M. (R.)	Sonoma	Valley Ford.
13	Lardner, W. B. (R.)	Placer	Auburn.
43	Lundquist, F. (R.)	San Francisco	636 California St.
60	Maek, P. H. (D.)	Mono, Alpine, Inyo	Independence.
2	Marvin, G. D. (R.)	Humboldt	Blue Lake.
46	McDonald, Wm. (R.)	Alameda	Livermore.
58	McDonald, A. M. (R.)	Mariposa, Tuolumne	Sonoma.
49	McKeen, A. A. (R.)	Alameda	Oakland.
73	Mead, William (D.)	Los Angeles	Los Angeles.
70	Melick, W. S. (R.)	Los Angeles	Pasadena.
36	Merrill, A. H. (R.)	San Francisco	364 Liberty St.
68	Merritt, C. W. (R.)	Santa Barbara	Santa Barbara.
78	Meserve, F. P. (I.)	San Bernardino	Redlands.
77	Milice, A. S. (R.)	Riverside	Riverside.
72	Miller, J. M. (R.)	Los Angeles	Clearwater.
40	Miller, H. W. (R.)	San Francisco	1809 Devisadero St.
26	Muenter, A. E. (R.)	San Joaquin	Lathrop.
81	O'Brien, D. S. (D.)	San Francisco	14 Ringgold St.
11	Pierce, G. W. (R.)	Yolo	Davisville.

## ASSEMBLYMEN—Continued.

Dis	Name.	County.	Post Office.
53	Radcliff, G. G. (R.)	Santa Cruz	Watsonville.
8	Raub, C. G. (R.)	Yuba, Sutter	Meridian.
14	Raw, R. S. (R.)	El Dorado	Placerville.
38	Rickard, W. H. (R.)	San Francisco	1968 Ellis St.
12	Robinson, W. S. (R.)	Nevada	Grass Valley.
9	Sanford, J. B. (D.)	Mendocino	Ukiah.
57	Stewart, G. R. (D.)	Stanislaus, Merced	Crows Landing.
45	Sullivan, Eugene (R.)	San Francisco	902 Montgomery St.
33	Sullivan, E. D. (D.)	San Francisco	1024 Florida St.
74	Valentine, L. H. (R.)	Los Angeles	Los Angeles.
18	Wade, Owen (R.)	Napa	St. Helena.
39	Wardell, J. S. (D.)	San Francisco	404 Ellis St.
37	White, W. E. (D.)	San Francisco	576 Fell St.
79	Works, L. R. (R.)	San Diego	San Diego.
51	Wright, H. E. (R.)	Alameda	Berkeley.

## OFFICERS OF THE ASSEMBLY.

Name.	Official Position.
Howard E. Wright, of Berkeley	Speaker, January 2d to 31st.
Alden Anderson, of Suisun	Speaker, elected January 31st.
F. E. Dunlap, of Stockton	Speaker pro tem.
C. W. Kyle, of San Francisco	Chief Clerk.
W. O. Banks, of San Francisco	Sergeant-at-Arms.
W. H. Dahle	Assistant Sergeant-at-Arms.
J. L. Scotchler, of Berkeley	Assistant Clerk.
H. S. Wanzer, of Santa Cruz	Assistant Clerk.
Frank H. Owen, of Napa	Assistant Clerk.
R. Q. Wickham, of Los Angeles	Minute Clerk.
L. Davis, of San Francisco	Journal Clerk.
C. O. Wellock, of Eureka	Engrossing and Enrolling Clerk.
Miss Reba Blood, of Angels	Postmistress.
Miss Lizzie Baxter, of Towles	Assistant Postmistress.
Rev. B. W. Perry	Chaplain.

## COMMISSIONERS OF DEEDS.

Name.	Residence.	Term Expires
<b>Connecticut.</b>		
Livingston W. Cleveland	New Haven	Aug. 2, 1899
<b>District of Columbia.</b>		
John E. Mitchell	Washington	April 21, 1900
Chas. S. Bundy	Washington	Dec. 27, 1902
<b>Illinois.</b>		
Wirt E. Humphrey	Chicago	May 31, 1899
Silas S. Willard	Chicago	Dec. 27, 1902
<b>Louisiana.</b>		
M. C. Soniat	New Orleans	April 30, 1902
John G. Eustin	New Orleans	Oct. 11, 1902
<b>Maryland.</b>		
Abraham H. Fisher	Baltimore	May 27, 1900
George McCaffray	Baltimore	Nov. 2, 1900
Harry Mathiew	Baltimore	Sept. 19, 1902
<b>Massachusetts.</b>		
Edward J. Jones	Boston	Jan. 16, 1900
Arthur R. Torrey	Boston	July 9, 1900
Samuel Jennison	Boston	Mar. 12, 1902
Charles Hall Adams	Boston	Jan. 23, 1903
<b>Minnesota.</b>		
Albert F. Sweetser	Minneapolis	Nov. 15, 1899
Robert R. Odell	Minneapolis	Nov. 24, 1901
<b>Missouri.</b>		
Charles D. Green, Jr.	St. Louis	Nov. 7, 1902
<b>Nevada.</b>		
T. N. Stone	Carson City	May 29, 1901
<b>New York.</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. 23, 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. Brannan	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
Henry Ballantyne	Brooklyn	June 18, 1901
Vincent Rosemon	New York City	Aug. 2, 1901
Eli C. Townsend	New York City	Aug. 23, 1901

Name.	Residence.	Term Expires.
<b>New York—Continued.</b>		
Rufus K. McHarg .....	New York City .....	Oct. 7, 1901
Edwin F. Corey .....	New York City .....	Oct. 27, 1901
Isaac E. Garvey .....	New York City .....	Jan. 21, 1902
O. P. Derby .....	New York City .....	Mar. 23, 1902
John A. Hillery .....	New York City .....	May 26, 1902
Samuel D. Folsom .....	New York City .....	Dec. 27, 1902
Wilber G. Zeigler .....	New York City .....	Feb. 7, 1903
Joseph B. Brannan .....	New York City .....	Mar. 7, 1903
<b>Ohio.</b>		
Joseph T. Harrison .....	Cincinnati .....	Feb. 15, 1902
<b>Oregon.</b>		
C. J. Curtis .....	Astoria .....	May 1, 1900
Eugene D. White .....	Portland .....	July 22, 1902
A. P. Tift .....	Portland .....	Aug. 15, 1902
<b>Pennsylvania.</b>		
Thomas J. Hunt .....	Philadelphia .....	Dec. 4, 1899
William F. Robb .....	Pittsburg .....	Oct. 1, 1900
Edward H. Cloud .....	Philadelphia .....	Oct. 15, 1900
George W. Hunt .....	Philadelphia .....	Feb. 15, 1902
Samuel L. Taylor .....	Philadelphia .....	Mar. 29, 1902
<b>Rhode Island.</b>		
Gilman E. Jopp .....	Providence .....	Nov. 5, 1899
<b>Washington.</b>		
Samuel S. Carlisle .....	Seattle .....	April 30, 1901
<b>Great Britain.</b>		
Sydney H. Peddar .....	London, England .....	Aug. 1, 1899
Michael Timmins O'Connor .....	Killarney, Ireland .....	Jan. 28, 1900
W. A. Nygh .....	London, England .....	Mar. 12, 1900
J. Addison Smith .....	London, England .....	Sept. 18, 1900
J. Burke Hendry .....	London, England .....	Sept. 21, 1901
George Layton .....	Liverpool, England .....	Oct. 27, 1902
<b>Mexico.</b>		
William J. De Gress .....	City of Mexico .....	Feb. 2, 1901
<b>New South Wales.</b>		
Frank Osborne .....	Sydney .....	Oct. 4, 1901
<b>Hawaii.</b>		
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 Quere-taro, 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 heretofore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller, and no money shall ever be appropriated or drawn from the state treasury for the use or

benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and 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 re-enacted 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 burdens or her property.

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

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

*Twentieth*—Exempting property from taxation.

*Twenty-first*—Changing county seats.

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

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

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

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

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

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

*Twenty-eighth*—Creating offices, or prescribing the powers and duties of officers in counties, cities and counties, 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 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. [Amendment adopted November 8, 1898.]

SEC. 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. [Amendment adopted November 8, 1898.]

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 for their own use any fees or perquisites for the performance of any official duty.

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

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

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

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions 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, 1884.]

## ARTICLE XII.

### CORPORATIONS.

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

SEC. 2. Dues from corporations shall be secured by such individual liability of the 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 employe of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever from any cause, a vacancy in office shall occur in said commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Anador, 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 secu-

nty, 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 redivide 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 Legisla-

ture; 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 offenses 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.

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS,	D. W. HERRINGTON,	WILLIAM H. PROUTY,
JAMES J. AYRES,	S. G. ILLBORN,	M. R. C. PULLIAM,
CLITUS BARBOUR,	J. R. W. JITCHCOCK,	CHAS. F. REED,
EDWARD BARRY,	J. E. HALE,	PATRICK REDDY,
JAMES N. BARTON,	VOLNEY E. HOWARD,	JOHN M. RHODES,
C. J. BEERSTECHER,	SAM. A. HOLMES,	JAS. S. REYNOLDS,
ISAAC S. BELCHER,	W. J. HOWARD,	HORACE C. ROLFE,
PETER BELL,	WM. P. HUGHIEY,	CHAS. S. RINGGOLD,
MARION BIGGS,	W. F. HUESTIS,	JAMES McM SHAFER,
E. T. BLACKMER,	G. W. HUNTER,	GEO. W. SCHIELL,
JOSEPH C. BROWN,	DANIEL INMAN,	J. SCHOMP,
SAM'L B. BURT,	GEORGE A. JOHNSON,	RUFUS SHOEMAKER,
JOSIAH BOUCHER,	L. F. JONES,	E. O. SMITH,
JAMES CAPLES,	PETER J. JOYCE,	BENJ. SHURTLEFF,
AUG. H. CHAPMAN,	J. M. KELLY,	GEO. VENABLE SMITH,
J. M. CHARLES,	JAMES H. KEYES,	H. W. SMITH,
JOHN D. CONDON,	JOHN J. KENNEY,	JOHN C. STEDMAN,
C. W. CROSS,	C. R. KLEINE,	E. P. SOULE,
HAMLET DAVIS,	T. H. LAINE,	D. C. STEVENSON,
JAS. E. DEAN,	HENRY LARKIN,	GEO. STEELE,
P. T. DOWLING,	R. M. LAMPSON,	CHAS. V. STUART,
LUKE D. DOYLE,	R. LAVIGNE,	W. J. SWEASEY,
W. L. DUDLEY,	H. M. LA RUE,	CHARLES SWENSON,
JONATHAN M. DUDLEY,	DAVID LEWIS,	R. S. SWING,
PRESLEY DUNLAP,	J. F. LINDOW,	D. S. TERRY,
JOHN EAGON,	JNO. MANSFIELD,	S. B. THOMPSON,
THOMAS H. ESTEY,	EDWARD MARTIN,	F. O. TOWNSEND,
HENRY EDGERTON,	J. WEST MARTIN,	W. J. TINNIN,
M. M. ESTER,	RUSH McCOMAS,	DANIEL TUTTLE,
EDWARD EYEX,	JOHN G. McCALLUM,	P. B. TULLY,
J. A. FILCHER,	THOMAS McCONNELL,	H. K. TURNER,
SIMON J. FARRELL,	JOHN McCOY,	A. P. VACQUEREL,
ABRAHAM C. FREEMAN,	THOS. B. McFARLAND,	WALTER VAN DYKE,
JACOB R. FREUD,	HIRAM MILLS,	WM. VAN VOORTHES,
J. B. GARVEY,	WM. S. MOFFATT,	HUGH WALKER,
B. B. GLASCOCK,	JOHN F. McNUTT,	JOHN WALKER,
JOSEPH C. GORMAN,	W. W. MORELAND,	BYRON WATERS,
W. P. GRACE,	L. D. MORSE,	JOSEPH R. WELLER,
WILLIAM J. GRAVES,	JAMES E. MURPHY,	J. V. WEBSTER,
V. A. GREGG,	EDMUND NASON,	JOHN P. WEST,
JNO. S. HAGER,	THORWALD K. NELSON,	PATRICK M. WELLEN,
JOHN B. HALL,	HENRY NEUNABER,	JOHN T. WICKES,
THOMAS HARRISON,	CHS. C. O'DONNELL,	WM. E. WHITE,
JOEL A. HARVEY,	GEORGE OHLEYER,	H. C. WILSON,
T. D. HEISKELL,	JAMES O'SULLIVAN,	JOS. W. WINANS,
CONRAD HEROLD,	JAMES M. PORTER,	N. G. WYATT.



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STATUTES OF CALIFORNIA.

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1899.

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# STATUTES OF CALIFORNIA

PASSED AT THE

## THIRTY-THIRD SESSION OF THE LEGISLATURE.

### CHAPTER I.

*An act making an appropriation for the support of the state printing office.*

[Approved January 10, 1890.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, out of any money in the state treasury and not otherwise appropriated, for the support of the state printing office, including pay of employes, purchasing supplies, type, machinery, permanent material, and for improvements and repairs, and for other work authorized by this act.

Appropriation for support of state printing office.

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

### CHAPTER II.

*An act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and sixty-eight of the Political Code, relating to the officers and employes of the legislature.*

[Approved January 30, 1890.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

245. The officers and employes 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 assistant at the desk, one sergeant-at-arms, one assistant

Statutory officers and attachés of the senate.

sergeant-at-arms, one assistant sergeant-at-arms for the finance committee, one assistant sergeant-at-arms for the judiciary committee, one assistant sergeant-at-arms to be assigned by the sergeant-at-arms to any committee requiring the same, one bookkeeper 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, three assistant minute clerks, one journal clerk, two assistant journal clerks, one engrossing and enrolling clerk, three assistant engrossing and enrolling clerks, two assistant engrossing and enrolling clerks (said two to be elected on the thirtieth day of the session), one history clerk, one assistant history clerk, three bill filers, four bill clerks, a chaplain, one postmaster, one assistant postmaster, two mail carriers (who shall be mailing and folding clerks), one page to the president of the senate, four pages, three gatekeepers, one doorkeeper, one gallery doorkeeper, two messengers to state printer, one cloakroom clerk, five skilled stenographers (who shall be typewriters, and who shall be at the service of the senate, its members and committees, and under the supervision of the secretary of the senate), one stenographer for the finance committee, one stenographer for the judiciary committee, six porters, one rear porter, three watchmen, one janitress for ladies' cloakroom, two press mailing clerks; and only such other officers or employés as the senate by a three-fifths vote of all the members elect shall deem necessary. Any officer or employé appointed or elected under the provisions of this section may at any time be removed by the senate.

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

Statutory  
officers and  
attachés  
of the  
assembly.

246. The officers and employés of the assembly shall consist of a speaker, a speaker pro tem., one chief clerk, four 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 clerk for the sergeant-at-arms, one bookkeeper to the sergeant-at-arms (said bookkeeper to 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, two assistant engrossing and enrolling clerks, and two additional assistant engrossing and enrolling clerks (said last two to be elected on the thirtieth day of the session), one file clerk to keep the files, four bill filers, one 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 printer, one history clerk, one bill clerk, four assistant bill clerks, thirty 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, under the supervision of the chief clerk), five porters, three

watchmen, one fireman, one sergeant-at-arms for the ways and means committee, one sergeant-at-arms for the judiciary committee, one engineer, one electrician, one janitress, and one elevator attendant; and only such other officers or employés as the assembly by a three-fifths vote of all the members elect shall deem necessary. Any officer or employé appointed or elected under the provisions of this section may at any time be removed by the assembly.

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

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 the assistant sergeants-at-arms, bookkeeper to sergeant-at-arms, assistant journal clerks, assistant engrossing and enrolling clerks, assistant history clerk, and assistant at desk, 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 the 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, cloakroom clerk, and press mailing clerks, each, four dollars per day; to the mail carriers, gatekeepers, doorkeepers, messengers to the printer, porters, watchmen, and janitress to ladies' cloakroom, each, three dollars per day; to each page, two dollars and fifty cents a day.

Salaries of officers and attachés of the senate.

There shall be paid to the officers 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, file clerk, and history clerk, each, six dollars per day; to the assistant sergeant-at-arms, bookkeeper to sergeant-at-arms, clerk to the sergeant-at-arms, assistant journal clerk, assistant engrossing and enrolling clerks, and 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), chaplain, bill clerk, assistant bill clerks, postmaster, assistant postmaster, bill filers, engineer, and electrician, each, four dollars per day; to the mail carrier, gatekeepers, doorkeepers, messenger to the printer, porters, elevator attendant, fireman, sergeant-at-arms for the ways and means committee, sergeant-at-arms for the judiciary committee, janitress, and watchman, each, three dollars per day; to each page, two dollars and fifty cents per day.

Salaries of officers and attachés of the assembly.

SEC. 4. This act shall take effect immediately.

## CHAPTER III.

*An act to amend section seventeen hundred and fifty-five of an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of judge to insert conditions in order appointing guardian.*

[Approved February 10, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen hundred and fifty-five of an act entitled "An act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Court may insert conditions in order of appointment of guardian.

1755. When any person is appointed guardian of a minor, the court may, with the consent of such person, insert in the order of appointment, conditions not otherwise obligatory, providing for the care, treatment, education, and welfare of the minor and for the care and custody of his property. The performance of such conditions shall be a part of the duties of the guardian, for the faithful performance of which he and the sureties on his bond shall be responsible.

## CHAPTER IV.

*An act to add a new section to the Penal Code, to be numbered one hundred and eighty, relating to bringing into any state prison, or state reformatory, or within the grounds of such institution, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, and providing a penalty therefor.*

[Approved February 10, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered one hundred and eighty, as follows, to wit:

Prohibiting the bringing of contraband articles on prison grounds.

180. Any person, not authorized by law, who brings into either of the state prisons of the state of California, or any reformatories therein, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for a term not less than one nor more than five

years, and shall be disqualified from holding any state office or position in the employ of this state.

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

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## CHAPTER V.

*An act to provide for the purchase of a portrait of ex-Governor James H. Budd, by the state board of examiners, and to appropriate money therefor.*

[Approved February 10, 1899.]

*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 James H. Budd, 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.

Appropriation to purchase portrait of ex-Governor Jas. H. Budd.

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 VI.

*An act to amend section five hundred and ninety-four of the Code of Civil Procedure, relating to the manner of bringing an issue to trial.*

[Approved February 14, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

594. Either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise direct, may proceed with his case, and take a dismissal of the action, or a verdict or judg-

Manner of bringing an issue to trial.

ment, as the case may require; *provided, however*, if the issue to be tried is an issue of fact, proof must first be made to the satisfaction of the court that the adverse party has had five days' notice of such trial.

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

## CHAPTER VII.

*An act to amend an act entitled "An act to establish a Political Code," approved March 12, 1872, by amending section two thousand four hundred and sixty of said Political Code, relating to pilots, pilot commissioners, and pilotage.*

[Approved February 14, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand four hundred and sixty of the Political Code of the state of California is hereby amended to read as follows:

Pilots to  
render an  
account.

2460. Every pilot of the harbor of San Francisco, Mare Island, Vallejo, and Benicia must, once in each month, upon blanks to be furnished to them by the board of pilot commissioners, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and pay five per cent thereof to the board, in full compensation for its official services, for the services of its secretary and treasurer, and all incidental expenses. Such account shall give the name of each vessel piloted, and the master thereof, and of each vessel for which pilotage has been charged or collected, and the amount charged to or collected from each, and any rebates made and allowed and the amounts thereof, where the same is registered, the depth of its draught, its tonnage, whether inward or outward bound, and whether the amount so received, collected, or charged is for full pilotage or half pilotage, and the secretary shall record such account in full detail in a book prepared for that purpose, which book shall at all times be open to public inspection.

Pay five  
per cent of  
receipts.

Contents of  
account.

Duties of  
secretary.

SEC. 2. This act shall go into effect sixty days after its passage.

## CHAPTER VIII.

*An act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of state school lands.*

[Approved February 14, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred and twenty-seven dollars and thirty-eight cents is hereby appropriated to pay the claim of F. P. Otis for expenses incurred in foreclosing delinquent purchases of state school lands in Tuolumne county (the same having been approved by the state board of examiners). Appropriation to pay claim of F. P. Otis.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of said F. P. Otis for the sum herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER IX.

*An act to amend sections nine hundred and thirty-nine and nine hundred and sixty-three of an act entitled "An act to establish a Code of Civil Procedure."*

[Approved February 14, 1899.]

*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 an act entitled "An act to establish a Code of Civil Procedure" is hereby amended so as 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 from what may be taken.

2. From a judgment rendered on an appeal from an inferior court, within ninety days after the entry of such 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, order, or decree hereafter made or entered in any action to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to redeem and ordering an accounting; 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 of interlocutory judgment is made and entered in the minutes of the court, or filed with the clerk.

SEC. 2. Section nine hundred and sixty-three of an act entitled "An act to establish a Code of Civil Procedure" is hereby amended so as to read as follows:

Appeal,  
when may  
be taken  
to supreme  
court.

963. An appeal may be taken to the supreme court, from a superior court, in the following cases:

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; from any interlocutory judgment, order, or decree hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to redeem, and directing an accounting; 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 partition, 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.

SEC. 3. This act shall take effect immediately.



## CHAPTER X.

*An act to amend section thirty-four hundred and fifty-three of the Political Code.*

[Approved February 14, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-four hundred and fifty-three of the Political Code is hereby amended so as to read as follows, viz.:

3453. After the approval of the petition and the adoption of by-laws, the board of supervisors of the county where the district was formed, on the application of a land-owner of the district, must call an election in compliance with the provisions of section thirty-four hundred and ninety-one of this code, at which election there must be elected, under and in pursuance of the provisions of said section thirty-four hundred and ninety-one, three eligible persons, who shall constitute, when elected and qualified, the board of trustees of the district, for the management of the affairs thereof, and who shall hold office for two years next succeeding their election, and until their successors are elected and qualified. The board of trustees must keep an office in or near the district for the transaction of the business thereof, and the books, maps, papers, records, contracts, and other documents pertaining to the affairs of the district must be open to inspection by any person interested at all times. From and after the election and qualification of said trustees said district shall be deemed organized and shall have power to sue and be sued.

Boards of trustees of reclamation districts.

## CHAPTER XI.

*An act to prevent the maintenance against the state, or any officer thereof, by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county, or any officer thereof, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.*

[Approved February 16, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No action or proceeding shall hereafter be maintained by any county or county officer against the state or any state officer for the collection or recovery of any money alleged to be due such county or any officer thereof for services ren-

Suits in ad valorem tax cases prohibited.

dered in the assessment, equalization, auditing, and collection of ad valorem taxes, and all such actions and proceedings heretofore commenced and now pending, and all such actions or proceedings that may hereafter be instituted, shall be dismissed by the court in which the same may be pending upon its own motion.

SEC. 2. Nothing in this act shall be held to affect the commissions paid to the assessor of the several counties for services rendered in the collection of personal property taxes, or the mileage allowed to the treasurer of the several counties or cities and counties in making settlements with the state.

SEC. 3. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

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

## CHAPTER XII.

*An act to amend section five hundred and ninety-five of the Civil Code, relating to powers of benevolent corporations.*

[Approved February 16, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Powers of  
benevolent  
corporations.

595. All such corporations may hold all the property of the association owned prior to incorporation or acquired thereafter in any manner, and transact all business relative thereto; but no such corporation must own or hold more real estate than may be necessary for the business and objects of the association and providing burial grounds for its deceased members, not to exceed six whole lots in any city or town, nor more than twenty acres in the country, the annual increase, income, or profit whereof must not exceed fifty thousand dollars; *provided*, that any such corporation now or hereafter having, and having had continuously for the next preceding three years, the care, custody, control, and maintenance each year, upon an annual average, of not less than one hundred orphans, half-orphans, and indigent minor children at any one orphan asylum, shall be entitled and allowed to own and possess any number of acres not exceeding one hundred and sixty acres of land in the country, outside of any incorporated city or town, and the annual income or profit of which does not exceed fifty thousand dollars; *and provided further*, such orphan asylum shall be situated on such lands; *and provided further*, that the limitations herein provided for shall not apply to corporations formed, or to be formed, under section six hundred and two of the Civil Code, when the land is

held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes, or to corporations organized other than for profit, when the land is timber land, and not exceeding one hundred and sixty acres in extent, and is held or used for the purposes of the organizations, in which case said land shall be subject to all laws regulating the preservation of forests.

SEC. 2. This act to take effect immediately.

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### CHAPTER XIII.

*An act to add a new section to the Political Code, to be known as section number seven hundred and ninety-three, relating to notaries public.*

[Approved February 16, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known as section seven hundred and ninety-three, to read as follows:

793. The term of office of a notary public is four (4) years from and after the date of his commission.

Term of  
notaries  
public.

SEC. 2. This act shall take effect immediately.

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### CHAPTER XIV.

*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.*

[Approved February 17, 1899.]

*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,

Supreme  
court com-  
mission.

Salary.

payable at the same time and in the same manner. Before entering upon the discharge of their duties, they shall each take an oath to support the constitution of the United States and the constitution of the state of California, and to faithfully 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 fiftieth fiscal year, and for the fifty-first and fifty-second 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.

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## CHAPTER XV.

*An act making an appropriation for the contingent expenses of the senate for the thirty-third session of the legislature.*

[Approved February 17, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation for contingent expenses of senate. SECTION 1. The sum of eighteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-third session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

SEC. 2. This act shall take effect immediately.

## CHAPTER XVI.

*An act providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for nonuser of corporate powers.*

[Approved February 17, 1896.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All swamp and overflowed land reclamation districts and protection districts heretofore organized under any law of this state, which have, for more than five years, failed or neglected to use their corporate powers, and are free from debt, or against which all claims are barred by the provisions of the Code of Civil Procedure of this state, may be dissolved and annulled by the judgment of a court of competent jurisdiction on proper proceedings had therefor. The action or proceeding may be brought against said district by any person owning lands therein. The summons shall be served upon a majority of the last elected and acting trustees of the district, if living; if not living, then it may be served generally by publication.

Dissolution of reclamation districts.

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 XVII.

*An act to amend an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, by amending sections one and two thereof.*

[Approved February 17, 1896.]

*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, board of trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than 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 ques-

Municipal corporations of sixth class. Disincorporation.

Municipal  
corporations of  
sixth class.  
Disincor-  
poration.

tion 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 the 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 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. 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. All property upon which any municipal tax has been levied and the same has become delinquent, either before or after the date of such disincorporation, and all property sold for any tax levied by said municipal corporation, may be redeemed by any party interested, by the payment to the county treasurer, upon the estimates of the auditor, of the money that would have been necessary to redeem such property, had said city not disincorporated. All moneys paid into the county treasury under the provisions of this act shall be placed to the credit of the special fund hereinbefore provided for. If, at any time after the disincorporation of such municipal 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 of said municipal corporation, as the same shall become due; such tax or taxes, assessments, and collections, 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

Municipal  
corporations of  
sixth class.  
Disincor-  
poration.

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.

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

Duty of supervisors.

Section 2. The board of supervisors of the county in which any such municipal corporation has been disincorporated, shall have the power, and it shall be their duty, if the board of trustees or other legislative body of such corporation shall fail or refuse to return to said board of supervisors the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness of said municipal corporation at the time of its disincorporation, and the amount of money in its treasury and the amount due to it at the said time. Said board of supervisors shall make provision for the collection of the amounts due to said municipal corporation, and for the closing up of its affairs, and any act or acts necessary for such purpose and not otherwise herein provided for, shall, upon the order of said board of supervisors directing the same, be as fully done and performed by the officer or officers performing similar duties for the said county, and with as full effect as if the same had been performed by the proper officer of said municipal corporation, before disincorporation, and said county shall succeed to and possess all the rights of said municipal corporation in and to said indebtedness, and shall have power to sue for or otherwise collect any such debts, in the name of the county. All costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the powers and duties of said board of supervisors, provided for in this act, shall be paid out of the special fund in said county treasury hereinbefore in this act provided for. All provisions of this act relating to the settlement of a municipal corporation after disincorporation shall be applicable to the winding up of the affairs of any disincorporated municipality, whether disincorporated before or after the passage of this act.

SEC. 3. This act shall take effect immediately.



## CHAPTER XVIII.

*An act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an act of the legislature of the state of California, entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 28, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.*

[Approved February 17, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any city or town heretofore or hereafter incorporated that, at the time of incorporation, shall embrace within the corporate limits thereof two thirds or more in value of assessable property formerly contained within the corporate boundaries of any city or town disincorporated under the provisions of an act of the legislature of the state of California, approved March twenty-sixth, eighteen hundred and ninety-five, entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," shall succeed to and become the owner of all public property formerly belonging to such disincorporated city or town; and also to such proportion of the corporate debts, liabilities, and credits due or owing and unpaid, as the total value of assessable property of such former city or town lying within its boundaries, as aforesaid, shall bear to the total value of all assessable property situated within the former limits of said municipal corporation so disincorporated; such valuation to be determined by the assessment roll of the county in which such city or town is situated for the fiscal year in which said municipality was disincorporated; *provided*, that any territory contained therein that was not included within the former limits of said disincorporated municipality shall not be liable to be taxed for any debt or liability of said disincorporated city or town.

Ownership of property of disincorporated municipalities of the sixth class.

SEC. 2. The board of supervisors of the county in which said city or town is situated shall, upon written request of the board of trustees or other legislative body thereof, forthwith cause the county auditor to prepare a statement of the total valuation of assessable property in said disincorporated municipality and the total amount thereof contained in said incorporated city or town, as aforesaid, and said auditor shall prepare the same without cost. If it appears from said statement that two thirds or more in value of said assessable property is contained within the boundaries of said incorporated city or town, said board of supervisors shall, by an order duly entered upon their minutes, fix the relative proportion thereof, which proportion so fixed shall be the proportion of the debts

and liabilities of said disincorporated municipality for which said incorporated city or town shall be liable; and shall forward a certified copy of said entry to the secretary of state and also to the city clerk of said incorporated city or town, and forthwith turn over to the board of trustees or other legislative body thereof, all public property taken by them under the provisions of said act providing for the disincorporation of cities of the sixth class, and such proportion of all moneys in the special fund provided for in said act, as said incorporated city or town is entitled to, estimated as in the case of debts and liabilities, as aforesaid. And thereupon the ownership and title to all public property of every description formerly belonging to said disincorporated municipality, which under the provisions of said act has been taken possession of by the board of supervisors and passed into the control of the county or passed into the ownership and possession of the state of California by reason of said disincorporation, shall immediately be vested in said incorporated city or town as fully as if said property had been originally acquired by it.

Bonded  
indebted-  
ness.

SEC. 3. If there be a bonded indebtedness of said disincorporated municipality existing on its former territory, a portion of which is included in said city or town as aforesaid, the board of trustees or other legislative body of such city or town shall make provisions to pay its proportion thereof, estimated as aforesaid, in the same manner it should have been paid had said city or town not disincorporated; and for that purpose shall annually levy and collect, at the same time other city taxes are levied and collected, a special tax on the territory of said disincorporated municipality within the limits of said city or town, sufficient to pay its proportion thereof as the same shall become due; and the board of supervisors of said county shall annually levy and collect, at the same time other county taxes are levied and collected, a special tax on the remainder of said territory not included in said city or town, sufficient to pay the balance thereof, and cause the same to be paid to the treasurer of said city or town, and it shall be the duty of said city treasurer to pay said bonded indebtedness as the same becomes due with said moneys levied and collected as aforesaid, in conformity with the laws under which such indebtedness was incurred.

Property  
sold for  
taxes.

SEC. 4. Any property within the limits of said disincorporated city or town that has been sold for any tax levied by such disincorporated municipality may be redeemed or a tax deed issued therefor, in the same manner and with the same effect as if said municipality had not disincorporated. Such proceedings to be had and deed issued in the corporate name of said city or town in which said land is situated.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 6. This act shall take effect immediately.

## CHAPTER XIX.

*An act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.*

[Approved February 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

*What exempt from execution.*

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

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

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.

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 beehives, and one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business.

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,

Property  
exempt  
from exe-  
cution.

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.

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.

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

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

9. Seamen and sea-going fishermen's wages and earnings, not exceeding one hundred dollars.

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 necessaries 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.

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.

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.

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.

Property  
exempt  
from exe-  
cution.

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

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, 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.

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.

17. All machinery, tools, and implements necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also, the engines necessary for operating such machinery, implements, tools, etc.; also, all trucks necessary for the transportation of such machinery, tools, implements, engines, etc., to the value of one thousand dollars.

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 XX.

*An act to amend section ten hundred and thirty-three (1033) of an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs and motion to relax same.*

[Approved February 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section ten hundred and thirty-three of an act entitled "An act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended to read as follows:

Filing,  
service and  
affidavit of  
bill of  
costs.

1033. The party in whose favor the judgment is rendered, and who claims his costs, must deliver to the clerk, and serve upon the adverse party, within five days after the verdict, or notice of the decision of the court or referee, or, if the entry of the judgment on the verdict or decision be stayed, then, before such entry is made, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five days after notice of filing of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge thereof at chambers. By the decision of the court, or referee, herein referred to, is meant the signing and filing of the findings of fact and conclusions of law.

## CHAPTER XXI.

*An act authorizing municipalities of less than the first class to obtain, by purchase, donation, or devise, lands for cemetery purposes; and authorizing the board of trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.*

[Approved February 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Municipalities of less than first class may acquire property for cemetery purposes.

SECTION 1. Cities and towns of less than the first class are hereby authorized to purchase, or receive by donation or devise and dispose of, all and any necessary property for cemetery purposes.

SEC. 2. The board of trustees or other governing body of said municipalities shall make all necessary rules and regulations for the government, embellishment, and disposition of the same.

SEC. 3. The board of trustees or other governing body of said municipalities shall, by ordinance, prescribe the method and conditions by which burial lots may be sold in said cemetery, and may authorize any officer of the municipality to execute conveyances in behalf of said municipality, subject to the restrictions that may be deemed proper.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect immediately.

## CHAPTER XXII.

*An act to amend an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as section six and one half, relating to securing claims for labor done and material furnished for improvements under said act.*

[Approved February 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section, to be known as section six and one half of said act, is hereby added thereto, and shall read as follows:

Section 6½. Every contractor, person, company, or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved by the mayor, in a sum not less than one half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work of improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any material man, person, company, or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company, or corporation, to whom the said contract was awarded, may, within thirty days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company, or corporation, filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof.

Securing  
claims for  
labor, etc.  
for street  
and sewer  
work in  
municipal-  
ities

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

## CHAPTER XXIII.

*An act to amend section eleven hundred and eighty-five of the Code of Civil Procedure, relating to mechanics' and others' liens upon real property.*

[Approved February 23, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Liens on  
real prop-  
erty

1185. The land upon which any building, improvement, well, or structure is constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, to be determined by the court on rendering judgment, is also subject to the lien, if, at the commencement of the work, or of the furnishing of the materials for the same, the land belonged to the person who caused said building, improvement, well, or structure to be constructed, altered, or repaired, but if such person owned less than a fee simple estate in such land, then only his interest therein is subject to such lien.

## CHAPTER XXIV.

*An act to repeal an act entitled "An act to provide for the submission of proposed amendments to the constitution of the state of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments.*

[Approved February 23, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act to provide for the submission of proposed amendments to the constitution of the state of California to the qualified electors for their approval, adopted March seventh, eighteen hundred and eighty-three, is hereby repealed.

Method of  
publishing  
proposed  
constitu-  
tional  
amend-  
ments

Section 1. Whenever the legislature shall propose any amendment to the constitution of this state, which amendment shall have been passed in the manner required by section one of article eighteen of the constitution, or whenever said legislature shall submit any proposition to a vote of the qualified electors of the state, it shall be the duty of the governor to include such amendment or proposition in his election proclamation. The secretary of state shall cause to be printed at the



state printing office, in convenient form, one and one half times as many copies of such amendment or proposition as there are registered voters in the state, and at least thirty days before any election at which such amendment or proposition are to be voted on, shall furnish each county clerk in the state with one and one half times as many such copies as there are registered voters in his county, and said county clerks shall mail one copy of such amendment or proposition to each registered voter in his county, at least twenty days before the day of election at which such amendment or proposition is to be voted on. No other publication of such amendment or proposition shall be required or authorized.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXV.

*An act to prevent deception in the sale of process or renovated butter.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons, firms or corporation, shall sell, or offer for sale, or have in his or their possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one half inch in length, "process butter," or "renovated butter," in such a manner as the purchaser will be advised of the real character of such "process" or "renovated" butter.

Renovated  
butter.

Real char-  
acter  
must be  
revealed

SEC. 2. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor.

Penalty

SEC. 3. It shall be the duty of the district attorney of each and every county of this state, upon application, to attend to the prosecution in the name of the state of any action brought for the violation of any of the provisions of this act within his district.

Duty of  
district  
attorney.

SEC. 4. The state dairy bureau, by its agent and assistant agents, is hereby authorized and directed to enforce all of the provisions of this act. All fines and penalties for the violation of this act shall be paid to the agent or assistant agents of the state dairy bureau, and by said bureau paid to the state treasurer.

Duty of  
dairy  
bureau.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. This act shall take effect on and after its passage.

## CHAPTER XXVI.

*An act to provide for the construction of a free wagon road from the Mono lake basin to connect with a road called "Tioga road," at or near the "Tioga mine," and making an appropriation therefor.*

[Approved February 23, 1890.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation for road from Mono basin

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000), for the purpose of locating and constructing a free wagon road from the Mono lake basin to and connecting with a wagon road called the "Tioga road," and near the "Tioga mine."

SEC. 2. The road above mentioned is hereby declared to be a state highway, and is placed under the control of the department of highways, and said department shall have the same powers over, and duties to perform in connection with, said highway as it has in regard to other public highways.

Duty of department of highways.

SEC. 3. It shall be the duty of the department of highways to locate and construct said highway upon the best grades and alignments which the topography of the country traversed will permit, and in consonance with the best interests of the state, and it shall furthermore be the duty of said department to begin such work of location and construction as soon as the money appropriated herein is available therefor, and to prosecute the same with diligence.

SEC. 4. The money appropriated under the provisions of this act shall be paid by the state treasurer upon warrants issued by the controller out of the general fund of the fifty-first and fifty-second fiscal years.

SEC. 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

## CHAPTER XXVII.

*An act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this state, for general distribution, parasitical and predaceous insects which, in those countries, prey upon such species of fruit and tree pests as abound in the orchards of this state.*

[Approved February 23, 1899.]

*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 for the purpose of sending an expert versed in entomological pursuits to Australia, New Zealand, or other countries, to collect and import into this state, for general distribution, parasitical and predaceous insects which, in those countries, prey upon such species of fruit and tree pests as abound in the orchards of California; the expenditure of said sum to be under the direction and control of the state board of horticulture.

Appropriation to send expert entomologist to Australia

SEC. 2. The controller of state is hereby directed to draw his warrant for the above sum upon the state treasurer in favor of said board, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect July first, eighteen hundred and ninety-nine.

## CHAPTER XXVIII.

*An act to amend section eleven hundred and ninety-five of the Political Code.*

[Approved February 23, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

1195. Whenever the legislature shall propose any amendment to the constitution of this state, which amendment shall have been passed in the manner required by section one of article eighteen of the constitution, or whenever said legislature shall submit any proposition to a vote of the qualified electors of the state, the secretary of state shall duly, and not less than twenty-five days before election, certify the same to the clerk of each county of the state; shall cause to be printed at the state printing office, in convenient form, one and one half times as many copies of such amendment or proposition

Advertising constitutional amendments

Printed at state printing office

as there are registered voters in the state, and at least thirty days before any election at which such amendment or proposition is to be voted on, shall furnish each county clerk in the state with one and one half times as many such copies as there are registered voters in his county. The clerk of each county shall thereafter cause to be mailed to each voter a copy of said constitutional amendment or other proposition at the same time, and in the same manner, and in the same envelope provided for in section one thousand one hundred and ninety-four of this code, and no other publication thereof shall be necessary or authorized.

## CHAPTER XXIX.

*An act to add a new section to the Penal Code, to be known as section two hundred and fifty-eight, relating to the publication of portraits and caricatures.*

[Approved February 23, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be known as section two hundred and fifty-eight, and to read as follows:

Publishing  
of carica-  
tures and  
cartoons  
unlawful.

258. It shall be unlawful to publish in any newspaper, handbill, poster, book or serial publication, or supplement thereto, the portrait of any living person a resident of California, other than that of a person holding a public office in this state, without the written consent of such person first had and obtained; *provided*, that it shall be lawful to publish the portrait of a person convicted of a crime. It shall likewise be unlawful to publish in any newspaper, handbill, poster, book or serial publication or supplement thereto, any caricature of any person residing in this state, which caricature will in any manner reflect upon the honor, integrity, manhood, virtue, reputation, or business or political motives of the person so caricatured, or which tends to expose the individual so caricatured to public hatred, ridicule, or contempt. A violation of this section shall be a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment. All persons concerned in said publication, either as owner or manager, editor, or publisher, or engraver, are each liable for said publication. Actions for the violation of this section shall be tried in the county where such newspaper, handbill, poster, book, or serial publication or supplement is printed or has its publication office, or in the county where the person whose portrait or caricature is published resides at the time of the alleged publication.

Penalty.

Liability  
attaches to  
whom.

## CHAPTER XXX.

*An act to provide for the construction of a sewerage system at the state prison at Folsom, and to make an appropriation therefor.*

[Approved February 24, 1899.]

*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 fifteen thousand (\$15,000.00) dollars, to be paid to the state board of prison directors, and to be expended by them at the Folsom state prison in the construction of such a system of sewerage as will dispose of the sewage of the Folsom state prison without polluting or contaminating the waters of the American river, as hereinafter provided.

Appropriation for sewerage plant at Folsom prison.

SEC. 2. The state controller is hereby directed to draw his warrant, in favor of said state board of prison directors, for the amount appropriated in section one (1) of this act, and the state treasurer is hereby directed to pay the said warrant.

SEC. 3. All bills for materials used and expenses incurred in the construction of such sewerage system shall be audited by the state board of prison directors, and approved by the state board of examiners, before being paid.

SEC. 4. All plans, descriptions, and specifications of such sewerage system, and all machinery, supplies, and other materials or expenses requisite, necessary, proper, or convenient for the purposes of the construction of said sewerage system, shall receive the sanction of a majority of the state board of prison directors and of the state board of examiners before the same shall be effective for any purpose. No payment of any kind for the purposes of this act shall be made until the same shall have been authorized by a majority of the state board of prison directors and the state board of examiners, and no plan for the construction of the system of sewerage provided for by this act shall be approved by either of said boards if the same provides for an expenditure in excess of the said sum of fifteen thousand dollars hereby appropriated by this act.

Approval of plans, etc.

SEC. 5. This act shall take effect on the first day of January, nineteen hundred; *provided*, that said boards may agree on a plan before that date.

## CHAPTER XXXI.

*An act to amend sections twenty-two hundred and ninety-two, twenty-two hundred and ninety-three, and twenty-two hundred and ninety-eight of chapter three, title five, of the Political Code, relating to the state library.*

[Approved February 25, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Library trustees to be appointed by the governor.

2292. The state library is under the control of a board of trustees consisting of five members, holding their offices for the term of four years, and appointed by the governor in the following manner, to wit: Three trustees shall be appointed for the full term of four years, from and after the twenty-eighth day of February, nineteen hundred and two; and two trustees shall be appointed for the term of two years from and after said date. At the expiration of the terms of office of the trustees appointed as above provided, their successors shall thereafter be appointed for the full term of four years. Appointments to fill vacancies caused by death, resignation, or removal shall be for the unexpired term only.

SEC. 2. Section twenty-two hundred and ninety-three of the Political Code is hereby amended to read as follows:

Duties of library trustees.

2293. The powers and duties of the board are as follows:

(1) To make rules and regulations not inconsistent with law for its government and for the government of the library.

(2) To appoint a librarian, who shall designate one of his deputies as chief deputy.

(3) Whenever necessary, to authorize the librarian to appoint an additional deputy.

(4) To sell or exchange duplicate copies of books.

(5) To keep in order and repair the books and property in the library.

(6) To draw from the state treasury at any time, all moneys therein belonging to the library fund.

(7) To report to the governor biennially a statement of its transactions.

SEC. 3. Section twenty-two hundred and ninety-eight of the Political Code is hereby amended to read as follows:

Duties of controller and librarian when books are not returned.

2298. The controller, when notified by the state librarian that any officer or employé of the state for whom he draws a warrant for salary has failed to return any book taken by him (or for which he has given an order) within the time prescribed by the rules, or the time within which they were agreed to be returned, and which notice shall give the value thereof, must, after first informing said officer or employé of such notice, upon failure by him to return the said book, deduct from the warrant

for the salary of said officer or employé two times the value of said book, and place the amount so deducted in the state library fund. In case of the neglect or refusal on the part of any officer or employé of the state to return a book for which he has given an order or a receipt, or has in his possession, the state librarian is hereby authorized to purchase for the library a duplicate of said book, and to notify the controller of such purchase, together with the cost of same. Upon the receipt of such notice from the librarian, the controller shall deduct two times the cost of said duplicate book from the warrant for salary of said officer or employé, and place the amount so deducted in the state library fund. The state librarian is hereby empowered to bring suit in his official capacity for the recovery of any book or books, or for two times the value thereof, together with costs of suit, against any person having the same in his possession or being responsible therefor. In case the librarian has purchased a duplicate of any book as heretofore provided in this act, he is hereby authorized to bring suit as aforesaid for two times the amount so expended for said duplicate, together with costs of suit.

#### CHAPTER XXXII.

*An act adding two new sections to the Political Code of this state, to be numbered eleven hundred and eighteen and eleven hundred and nineteen, concerning elections, providing for registration for primary elections.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Two new sections are hereby added to the Political Code, to be numbered eleven hundred and eighteen and eleven hundred and nineteen, concerning elections, providing for registration for primary elections, as follows:

1118. The qualifications and registration of voters at primary elections shall be subject to the same tests and governed by the same rules and regulations as are in the Constitution and Political Code of this state established and prescribed for other elections; and the same officers who prepare and furnish registers for general elections, as provided for in this code, shall prepare and furnish them for use at primary elections. It shall be the duty of the proper officers to furnish the register, and supplements thereto, for use at primary elections, which shall show the names of all voters entitled to vote at such elections; *provided*, that where a new registration pursuant to law is not completed in point of time sufficient to permit of its use at the next ensuing primary election, then the register used at the last general election in any county, or city and county, in this state, may be used at any primary election, together with supplemental registers or additions showing all additional registration, changes and corrections made since the last general registration.

Qualifications and registration of voters at primary elections.

Registration office to be open fifty days.

1119. All persons entitled to register or vote at any primary election in any city, county, or city and county, whose names are not upon the register, or who may be entitled to transfer their registration, shall be entitled to be registered or transferred so as to enable them to vote at such primary election, and for that purpose it shall be the duty of the officer charged with the registration of voters in each county, or city and county, to keep his office open for at least fifty days prior to the fifteen days immediately preceding such primary election.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 1, 1899.]

### CHAPTER XXXIII.

*An act to amend section eleven hundred and eighty-eight of the Political Code, relating to the method by which candidates for public office may be nominated.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Candidates for public office: how nominated.

1188. A candidate for public office may be nominated, otherwise than by a convention, in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section eleven hundred and eighty-seven of this code, shall be signed by electors residing within the district or political division for which candidates are to be presented, equal in number to at least three per cent of the entire vote cast at the last preceding election in the state, district, or political division for which the nomination is to be made. Said petitioners may also designate any number of persons, not less than seven nor more than twenty-five, each and all of whom shall be signers to said petition, to constitute a committee representing the signers of said certificate, collectively, as a political party; and if the candidates so nominated shall poll an average of three per cent of the entire vote cast at the election ensuing at which they are voted for, they shall from the date of said election collectively be considered and treated, and shall constitute, a political party by any name selected and adopted by them in said certificate of nomination; *provided*, said name is not the same or so similar to that of any existing party as to mislead voters. The said committee so designated shall constitute the governing body or committee of said party, and may organize and act as such from and after the date of said election, and may thereafter participate in any election of delegates at any primary election held under the



provisions of law. Said signatures need not be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number, where such designation by street and number can be given. One of the signers of each such paper shall swear that the statements therein made are true, and that each signature to said paper appended is a genuine signature of the person whose name purports to be thereto subscribed. Any person signing to such certificate of nomination any name but his own, or any person making a false oath to such certificate of nomination, shall be punished by imprisonment in the state's prison not exceeding five years.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 1, 1899.]

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#### CHAPTER XXXIV.

*An act making an appropriation for the support of the state printing office.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated out of any money in the state treasury and not otherwise appropriated, for the support of the state printing office, including pay of employes, purchasing supplies, type, machinery, permanent material, and for repairs.

Appropriation for support of state printing office.

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

[Became a law, under constitutional provision, without Governor's approval, March 1, 1899.]

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#### CHAPTER XXXV.

*An act to amend section eleven hundred and eighty-three of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.*

[Approved March 1, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

*Mechanics' lien, upon what.*

Mechanics  
lien, upon  
what.

1183. Mechanics, materialmen, contractors, sub-contractors, artisans, architects, machinists, builders, miners, and all persons and laborers of every class, performing labor upon or furnishing materials to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and material furnished, whether at the instance of the owner or of any other person acting by his authority, or under him, as contractor or otherwise; and any person who performs labor in any mining claim or claims has a lien upon the same and the works owned and used by the owners for reducing the ores from such mining claim or claims, for the work or labor done, or materials furnished by each, respectively, whether done or furnished at the instance of the owner of the building or other improvement, or his agent, and every contractor, sub-contractor, architect, builder or other person having charge of any mining, or of the construction, alteration, addition to, or repair, either in whole or in part, of any building or other improvement as aforesaid, shall be held to be the agent of the owner for the purposes of this chapter. In case of a contract for the work, between the reputed owner and his contractor, the lien shall extend to the entire contract price, and such contract shall operate as a lien in favor of all persons, except the contractor, to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor. All such contracts shall be in writing when the amount agreed to be paid thereunder exceeds one thousand dollars, and shall be subscribed by the parties thereto, and the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, and the amounts of all partial payments, together with the times when such payments shall be due and payable, shall, before the work is commenced, be filed in the office of the county recorder of the county, or city and county, where the property is situated, who shall receive one dollar for such filing; otherwise, they shall be wholly void and no recovery shall be had thereon by either party thereto; and, in such case, the labor done and materials furnished by all persons aforesaid, except the contractor, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof.

In case of  
contract.

## CHAPTER XXXVI.

*An act to add a new section to the Penal Code, to be known as section six hundred and fifty-three and one half, relating to the appraisement of the estates of deceased persons.*

[Approved March 1, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be known as six hundred and fifty-three and one half, and to read as follows:

653½. Any appraiser, appointed by virtue of section one thousand four hundred and forty-four of the Civil Code of Procedure, who shall accept any fees, reward, or compensation other than that provided for by law, from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person, is guilty of a misdemeanor.

Appraisers of estates not to accept fee or reward.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXXVII.

*An act to provide for an appropriation for the contingent expenses of the assembly.*

[Approved March 1, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twelve thousand 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-third session of the legislature.

Appropriation for contingent expenses of the assembly.

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

## CHAPTER XXXVIII.

*An act to provide for an appropriation for pay of officers and clerks of the assembly.*

[Approved March 1, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide for the pay of officers and clerks of the assembly for the thirty-third session of the legislature.

Appropriation for pay of officers and clerks of assembly.

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

## CHAPTER XXXIX.

*An act making an appropriation to pay the claim of Thomas Hatch.*

[Approved March 1, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Thomas Hatch.

SECTION 1. The sum of one thousand and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Thomas Hatch, for services rendered the state of California, under the direction of the world's fair commission (the same having been approved by the state board of examiners). The controller of state is hereby directed to draw his warrant in favor of Thomas Hatch for said sum, and the state treasurer is hereby directed to pay the same.

SEC. 2. This act shall take effect immediately.

## CHAPTER XL.

*An act supplemental to an act entitled "An act to authorize the incorporation of rural cemetery association," approved April 28, 1859, authorizing such association to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead and bodies liable, if interred, to spread disease.*

[Approved March 1, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Cremation associations; rights and privileges, etc.

SECTION 1. Associations incorporated under the act of which this act is supplementary, shall, in addition to the powers granted by said act, have authority to purchase, lease, or erect buildings and appliances to be used exclusively for the purpose of cremating human bodies, and they may purchase, or lease, and hold land necessary for cremation purposes, or for the erection of columbariums for the entombing of the ashes of the cremated, when inclosed in metal, or stone, or cement vessels, and not otherwise; but no uncremated body shall be interred or placed for any time whatever inside of the walls, or in the walls, of a place where the ashes of the cremated are deposited.

Care of property.

SEC. 2. Such associations shall invest their funds and use the proceeds thereof, after current expenses are paid, for the perpetual care of grounds, lots, buildings, and niches, accord-

ing to contracts made and to be made with patrons, and in conducting its business such association shall have the same powers granted by law to corporations in general; *provided*, they shall have no authority to contract any pecuniary obligation whatever, nor shall they have power to levy or collect assessments.

SEC. 3. In case of epidemics or the prevalence of contagious diseases, or otherwise, the proper authorities of any county, city and county, city, or town, may order the unclaimed or unknown dead, and the dead who die in public institutions under the control of any county, city and county, city, or town, and the dead commonly buried at public expense, cremated, and their ashes immured or otherwise preserved in receptacles in columbariums, or interred in burial places; and human bodies, and parts of bodies, used in medical or other schools (except specimens to be preserved) shall not be cast into the waters of the state, nor on the ground, nor in receptacles for refuse matter, nor in vaults, nor in sewers, but shall either be buried as deep in the ground as is by law required for dead bodies, or cremated, as in this act provided. But the remains of a person shall not be cremated by compulsion, under the provisions of this section, if he or his family, or any member thereof, or his church or spiritual adviser objects.

Municipal authorities may order cremation of unknown or pauper dead.

Cremation not compulsory.

SEC. 4. A violation of any of the provisions of this act is a misdemeanor.

SEC. 5. This act shall be in force from the day of its passage.

## CHAPTER XLI.

*An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The boundaries of any incorporated town or city may be altered and new uninhabited territory annexed thereto, incorporated, and included therein, upon proceedings being taken as in this act provided. The legislative body of any such municipal corporation, upon receiving a written petition therefor, containing a description of the new uninhabited territory asked to be included in such corporation, and signed by not less than one tenth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, must, without delay, notify the board of supervisors of the county in which said town or city is located of the fact of the filing of such petition. Upon the receipt of such notification, it shall be the duty of said board of supervisors to cause notice to be published

Annexation of uninhabited territory by municipalities.

Annexation of uninhabited territory by municipalities.

for a period of five days, setting forth by general description the land sought to be annexed to the said municipality, and announcing the time and place when and where objections to said annexation will be heard. Any person owning any land so sought to be annexed, may object to said annexation by filing a written remonstrance with the said board of supervisors. At the time specified in said notice, or at such other time as may be fixed by postponement, the said board of supervisors shall hear the said protestations, and unless the remonstrances are filed by the owners of any single tract of land exceeding five acres in area, or by the owners of more than one half of the land sought to be annexed, the decision of said board of supervisors upon said protestations shall be final and conclusive. In the event that the owners of more than one half of the land so sought to be annexed, or the owners of any single tract of land exceeding five acres in area, file remonstrances against such annexation, said protestations shall be sustained by said board of supervisors, and shall be a bar to any further proceedings under the provisions of this act for the period of one year. In the event that there are no protestations filed, or, if filed, if the same are overruled by said board of supervisors, and the said board shall, by resolution, consent to the annexation of said new uninhabited territory by the municipality, it shall then be the duty of the legislative branch of said municipality to submit to the electors of such municipality the question whether or not said new territory shall be annexed to, and incorporated in, and made a part of, such municipal corporation. Such question shall be submitted at a special election to be held for that purpose, or at any municipal election. Notice of said election shall be published in a newspaper, printed in such city or town, at least once a week for a period of two weeks next preceding such election. Said notice shall state that it is proposed to incorporate the territory sought to be annexed as a part of such municipal corporation, and invite the electors of said city or town to vote upon such proposition, by marking their ballots "for annexation," or "against annexation." In said notice, the territory sought to be annexed may be generally described in such manner as to apprise the voters of the particular land sought to be annexed. Said legislative body is hereby empowered, and it shall be its duty to establish, and in such notice of election designate the voting precinct or precincts, and the place or places at which the polls will be opened in said city or town, and said elective body is empowered to appoint the officers of such election, who shall be for each voting place at least two judges and one inspector, each of whom shall be a qualified elector of said city. The judges and inspectors of such election shall, immediately upon the closing of the polls, count the ballots, make up and certify the returns of the ballots cast at their respective polling places as quickly as practicable, in the manner provided in the laws of this state, and deposit all said returns with the clerk of said city or town. Said legislative body shall, at the time provided for its regular meeting next after the said returns are filed with the

said clerk of said city or town, meet and proceed to open and canvass said returns, and immediately upon the completion of such canvass cause a report thereof to be made and entered upon its minutes, showing the whole number of votes cast, and the number cast in favor of annexation, and the number cast against annexation; and if it shall appear from such canvass that a majority of all the votes cast is in favor of annexation, the clerk or other officer performing the duties of the clerk of such legislative body shall make and certify, under the seal of said municipal corporation, and transmit to the secretary of state, and to the board of supervisors of the county in which said city or town is located, a copy of said report so entered upon its minutes, together with a statement showing the date of said election, and the time and result of said canvass, which document shall be filed by the secretary of state and the clerk of said board of supervisors. From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be a part of such municipal corporation for all intents and purposes, except only that no part of such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation. No territory which at the time the said petition for proposed annexation is presented to said legislative body forms any part of any incorporated city or town shall be included under the provisions of this act.

Annexation of uninhabited territory by municipalities.

SEC. 2. The legislative body of any incorporated city or town which is or shall be divided into wards, and which territory has been heretofore or shall be hereafter annexed, must by ordinance so alter the boundaries of the wards of said municipal corporation as to include such annexed territory in one or more wards adjoining such annexed territory, or may form such annexed territory into one or more additional wards; *provided*, that the number of wards shall not be so increased as to exceed the number which said municipal corporation may, according to law, have.

SEC. 3. Nothing in this act provided for shall alter or affect the boundaries of any senatorial or assembly district.

SEC. 4. All proper expenses of proceedings for annexation of territory under this act, whether such annexation shall be made and completed or not, shall be paid by the municipal corporation so annexing or attempting to annex such territory.

SEC. 5. Nothing in this act shall be deemed to repeal the provisions of any act now providing for the annexation of inhabited territory, but territory shall be deemed uninhabited, for the purposes of this act, unless the occupants are bona fide residents thereof.

SEC. 6. This act shall take effect and be in force from and after its approval.

[Became a law, under constitutional provision, without Governor's approval, March 2, 1899.]

## CHAPTER XLII.

*An act to amend sections two, three, four, and five of an act 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.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Serial  
bonds  
for street  
work.

Section 2. Whenever the city council of any municipality in this state shall find, upon estimates of the city engineer, that the cost of any proposed work or improvement authorized by said street work act will be greater than fifty cents per front foot along each line of the street so proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon or principal or interest paid by him, and shall cancel and file each coupon so paid.

Interest on  
bonds.

Bond  
register.

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

Procedure  
incident to  
issue  
of serial  
bonds  
for street  
work.

Section 3. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under said street work act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by said street work act to be either



posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said council upon an appeal, and describing the bonds, shall be included in the warrant provided for in section nine of said street work act.

Sec. 3. Section four of said act is hereby amended to read as follows:

Section 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, as provided in section eleven of said street work act, then five days after the final decision of said council, and after the street superintendent shall have recorded the return as provided in section ten of the same act, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer shall thereupon make out, sign and issue to the contractor or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

§.----- 176

No.-----

Form of  
serial bond  
for street  
work.

Under and by virtue of an act of the legislature of the state of California (title of said act), I, out of the fund for the above designated street improvement bonds, series-----, will pay to-----, or order, the sum of----- dollars (\$-----), with interest at the rate of----- per cent per annum, all as is hereinafter specified, and at the office of the----- treasurer of the----- of-----, state of California. This bond is issued to represent the cost of certain street work upon-----, in the----- of-----, as the same is more fully described in assessment number-----, issued by the street superintendent of said-----, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number-----, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the prop-

Form of  
serial bond.

erty affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said ----- of -----, county of -----, state of California, -----

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is ----- years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of ----- per centum per annum.

The interest is payable semi-annually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of -----, and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond.

Should default be made in the annual payment upon the principal, or in any payment of interest, from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said ----- of -----, this ----- day of -----, in the year one thousand ----- hundred and -----.

-----  
City treasurer of the ----- of -----.

When  
assessment  
is under  
\$25, how  
collected.

*Provided*, That in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in part one of said street work act.

Owner  
may pre-  
vent issue  
of bonds on  
his prop-  
erty; how.

*Provided, also*, That if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land, present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records, that he is such owner of record, and with such affidavit and certificate, such person notifies said treasurer, in writing, that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection, as if said lot or parcel of land had not been so listed by the street superintendent.

Payment  
of bonds.

The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds,

as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof, and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be prima facie evidence of the regularity of all proceedings thereto under said street work act, and this act, previous to the making of the certified list of all assessments unpaid to the amount of twenty-five dollars or over by the street superintendent, to the city treasurer, and of the validity of said lien, up to the date of said list.

Interest coupons.

Duty of city treasurer, etc.

SEC. 4. Section five of said act is hereby amended to read as follows:

Section 5. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been, or may hereafter be, issued, any payment, either upon the principal, or of the interest, has not been or shall not be made when the same has become or shall become due, and the holder of the bond thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Sale of property for delinquent payments.

Subdivision *a*. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as provided in this section, the said city treasurer shall publish for two weeks in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice, are paid, the real property described in said bond will be sold at public auction on a day to be

Procedure.

therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer.

**Same.** Subdivision *b*. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made— which affidavit is primary evidence of all the facts stated therein.

**Costs to be collected.** Subdivision *c*. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale, as hereinafter provided.

**Payment of delinquency.** Subdivision *d*. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold as herein provided.

**Treasurer's duty.** Subdivision *f*. The city treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale.

**Lien; how discharged.** Subdivision *g*. Immediately on the sale, the purchaser shall become vested with a lien on the property so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale.

**Redemption of property.** Subdivision *h*. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it, on demand, to him or his assignees.

**Duty of recorder.** Subdivision *i*. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city

treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "redeemed," the date, and by whom redeemed on the margin of the book where the entry of the certificate is made.

Subdivision *j*. If the property is not redeemed within the time allowed by subdivision *h* hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however*, that the purchaser of the property, or his assignee, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Subdivision *k*. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all incumbrances, except the lien for state, county, and municipal taxes.

SEC. 5. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 2, 1899.]

if property is not redeemed, purchaser to have deed.

Owner must have notice of application for deed.

Deed as evidence.

## CHAPTER XLIII.

*An act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.*

[Approved March 2, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Desecra-  
tion of the  
flag pro-  
hibited.

SECTION 1. Any person who shall desecrate the flag of the United States, by printing thereon or attaching thereto any advertisement of any nature whatsoever, shall be deemed guilty of a misdemeanor.

## CHAPTER XLIV.

*An act to add a new section to the Political Code, to be known and designated as section thirty-four hundred and sixty-six and one half, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.*

[Approved March 2, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known and designated as section three thousand four hundred and sixty-six and one half, to read as follows:

Invalid as-  
sessments  
in reclama-  
tion dis-  
tricts.

3466½. In all cases in which an assessment shall have been levied since October first, eighteen hundred and ninety-six, or shall hereafter be levied, for reclamation purposes, upon the lands embraced within any reclamation district, and the assessment shall have thereafter been or shall be adjudged invalid, by any court of competent jurisdiction, and any landowner of the district shall have paid the amount assessed, in said assessment, against land belonging to him, before said assessment shall have been or shall be so adjudged invalid, the amount so paid by said landowner, together with the legal interest thereon from the date of its payment, shall be credited, by the treasurer of the county in which said land is situated, to the tract of land on which the same was paid, and shall be applied upon any assessment thereafter levied on the lands of the district, to the payment, pro tanto, of the amount therein assessed against said tract of land.

Sec. 2. This act shall take effect and be in force immediately from and after its passage.

## CHAPTER XLV.

*An act to add a new section to the Political Code, to be known as section eighteen hundred and ninety, relating to fire-escapes on school buildings.*

[Approved March 2, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known as section eighteen hundred and ninety, and to read as follows, viz.:

1890. Each school building in the state shall, if two or more stories in height, be provided with suitable and sufficient fire-escapes. The trustees of each school district and the board of education of each municipal corporation must provide sufficient and suitable fire-escapes for each school building two or more stories in height under their jurisdiction.

Fire-escapes on school-houses.

SEC. 2. This act shall take effect immediately.

## CHAPTER XLVI.

*An act adding fifteen new sections to the Political Code, to be numbered, consecutively, thirteen hundred and sixty-six, thirteen hundred and sixty-seven, thirteen hundred and sixty-eight, thirteen hundred and sixty-nine, thirteen hundred and seventy, thirteen hundred and seventy-one, thirteen hundred and seventy-two, thirteen hundred and seventy-three, thirteen hundred and seventy-four, thirteen hundred and seventy-five, thirteen hundred and seventy-six, thirteen hundred and seventy-seven, thirteen hundred and seventy-eight, thirteen hundred and seventy-nine, and thirteen hundred and eighty, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.*

[Approved March 3, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Fifteen new sections are hereby added to the Political Code, to be numbered, consecutively, thirteen hundred and sixty-six, thirteen hundred and sixty-seven, thirteen hundred and sixty-eight, thirteen hundred and sixty-nine, thirteen hundred and seventy, thirteen hundred and seventy-one, thirteen hundred and seventy-two, thirteen hundred and seventy-three, thirteen hundred and seventy-four, thirteen hundred and seventy-five, thirteen hundred and seventy-six, thirteen hundred and seventy-seven, thirteen hundred and seventy-eight, thirteen hundred and seventy-nine, and thirteen hundred and eighty, as follows:

Concerning primary elections.

Election of  
delegates.

1366. All delegates to conventions of political parties for the purpose of making nominations of candidates for public office within this state shall be elected at elections to be known and designated as primary elections, and conducted at the time and place, and under the regulations in this chapter hereinafter specified, and not otherwise.

Conven-  
tions  
defined.

1367. A convention to nominate candidates for public office to be voted for by the electors of the entire state will be hereinafter in this chapter designated as a state convention, and a primary election for the election of delegates to such convention will be hereinafter in this chapter designated as a state primary. Conventions to nominate candidates for representatives in congress, members of the board of equalization, or railroad commissioners, or for senators and assemblymen from districts including more than one county, will be hereinafter in this chapter designated as district conventions, and a primary election to elect delegates to such conventions will be hereinafter in this chapter designated as a district primary. Conventions to nominate candidates for county, or city and county officers, and members of the senate and assembly representing districts wholly within one county, or city and county, supervisors and all township officers, will be hereinafter in this chapter designated as local conventions, and a primary election to elect delegates to such conventions will be hereinafter in this chapter designated as a local primary. A convention to nominate candidates for city or town officers will be hereinafter in this chapter designated as a city convention, and a primary election to elect delegates to such conventions will be hereinafter in this chapter designated as a city primary.

General  
election  
laws to  
govern  
primaries.

1368. Elections herein provided for and known and designated as primary elections shall be conducted, managed, and controlled as to selection of precinct officers, publication of notices, use of great registers and supplements thereto, challenging of voters, voting booths, printing and use of ballots, cards of instruction, ascertainment of results, and all other details, in the same manner, and subject to the same regulations as are elections for state, district, county, city and county, city, town, and local officers, as far as applicable, except as otherwise provided in this chapter; *provided*, that sample ballots shall not be printed or distributed; *also provided*, that there shall be printed for each primary election precinct only as many ballots as there are names appearing on the register or supplements thereto as persons entitled to vote thereat; *also provided*, that no compensation shall be allowed to any primary precinct election officer, and it shall be the duty of every person so chosen to act as such primary precinct election officer at such primary election, to perform the services required of him in such capacity. That the primary precinct election officers shall be an inspector, two judges, two clerks, and one ballot clerk, for each primary election precinct; *provided*, that the same person shall not, without his consent, be compelled to serve as such primary precinct election officer more than once in every two years.

Excep-  
tions.

Election  
officers.



1369. All state, district, and local primaries shall be under the control of the board of election commissioners of each county, or city and county respectively, and shall be a county, or city and county charge respectively, and the expense of conducting city primaries shall be a city or town charge, and under the control of the city council, trustees, or governing body of any city or town; *provided*, that no expense of holding any convention shall be a public charge; and *provided further*, that all necessary expenses incurred by the secretary of state under this chapter shall be a state charge, and payable out of the general fund. The boards of supervisors of counties, and of any city and county, and the city council or board of trustees, or other governing body of any city or town, shall appropriate from the general funds of the county, city and county, city or town, as the case may be, sufficient sums of money to pay the necessary expenses of conducting the primary elections herein specified, and it shall be the duty of the proper officers to pay such expenses where the same are either a county, city and county, or city or town charge respectively. The board of election commissioners of any county, or city and county, and the city councils or boards of trustees of cities and towns, as to all elections for delegates to conventions held under their control, as the case may be, shall forthwith, after any such election, canvass the returns and shall, within five days, issue to the persons elected as delegates to the respective party conventions certificates stating such fact, and thereupon such persons shall constitute the delegates of the party, and shall be entitled to sit and act in the respective party conventions to which they are elected.

Expenses of primaries a public charge.

1370. All political parties which, at the last election prior to any ensuing primary election herein provided for, polled at least three per cent of the entire vote of the state, county, district, city and county, city or town, or other political division for which a primary election is to be held, or which, in the case of any county, city and county, township, city or district wherein no general election shall have been held after its organization, shall have polled at least three per cent of the votes cast in the precincts composing such county, city and county, township, city or district, shall be entitled to a designation and place upon the official ballot to be used in all elections for delegates under this chapter upon complying with the provisions of this section. Where a state or district convention is to be held, the governing committee of any political party for such territory shall, at least forty days prior to the date of the state or district primary, file with the secretary of state a writing, authenticated by the chairman and secretary, or other governing officers of such party, state, or district committee, setting forth the name of such party, that the writing is authenticated by the proper officers of the party committee, that it is the intention of such party to hold a state or district convention or conventions, for the purpose of making a nomination or nominations of candidates for public offices to be voted for at the next ensuing general election, or at any special elec-

Political parties entitled to designation on ballot.

State and district conventions, application for place on ballot.

State con-  
ventions;  
petitions  
in re dis-  
trict con-  
ventions.

tion within the same territory which may be called within two years after the primary election, for the purpose of filling any vacancy in any public office for which such convention is entitled to make nominations, and requesting that a place be given to it upon the official primary election ballot. Where a state convention is to be held, the respective petitions as filed shall provide that the same delegates composing the state convention, who reside within the respective railroad commissioner districts and state equalization districts, shall be the delegates to the respective conventions to nominate candidates for railroad commissioners, and for members of the state board of equalization. And the petitions filed by congressional district committees, where there are such committees, shall state whether the delegates elected to a state convention, within such congressional district, shall be the delegates empowered to nominate a candidate for congress in such district, or whether separate delegates shall be selected in such congressional district for that purpose. And petitions filed by senatorial or assembly district committees, from districts including more than one county, where there are such district committees, shall state whether the same delegates to the state convention residing within such district shall nominate the candidate for senator or assemblyman in such district, or whether separate delegates shall be elected in such district for that purpose. And unless there shall be such district petitions providing for such separate delegates in the cases aforesaid, such district candidates for congress, state senator, or assemblyman shall be nominated by the delegates to the state convention who come from and reside within such respective districts. Such petition must further state the number of delegates who will compose the convention, and specify the basis of the apportionment upon which they are to be elected. Such petition may either make such apportionment in detail, or may leave such apportionment to the party committees of the respective counties, or of any city and county in this state; *provided, however,* that any apportionment made in accordance with the provisions of this chapter must not be to, or the election by, territory not included in the same assembly district, nor such as to allow voters in different counties to vote for the same delegate or delegates; *and provided further,* that the apportionment for any territory shall be upon the basis, numerically, of the average vote cast for the candidates of the respective petitioning political parties at the last preceding general election. Such petition must be duly verified as to the truth of such matters by the chairman or secretary, or a governing officer of such party, before an officer authorized to administer an oath in this state. Where local conventions are to be held such petitions must be authenticated in the same manner as above provided for state or district conventions by the governing officers or committee of the party for the county, or any city and county, and must set forth the same things as hereinbefore required in a petition for participation in a state or district primary election. Such last named petition must further specify whether or not the

Apportion-  
ment of  
delegates.

Local con-  
ventions,  
what peti-  
tions must  
specify.

same delegates are to serve in the local convention, and also in subdivisions of such local conventions, for the purpose of nominating state senators, members of the assembly, supervisors, or other township and local officers, or whether different sets of delegates are to be elected to such local conventions, and must specify in detail the apportionment of delegates, whether at large, or by wards, or by primary election precincts, or combinations thereof, for each proposed convention. If the apportionment last mentioned is not contained in any petition filed, then such apportionment shall be made by the board of election commissioners with whom the petition is filed before the publication provided for in section thirteen hundred and seventy-two of this code. Such last named petition for participation in a local primary election must be filed with the board of election commissioners of the county, or city and county, at least thirty days before the date of such primary election. Where a city primary is to be held such petition must set forth the same facts required to be set forth in a petition for participation in a local primary election, and must be executed by the governing officers or committee of the party for such city or town, and in like manner and time filed with the governing body of such city or town. Such last named petition for participation in a city primary must specify in detail the apportionment of delegates, whether at large, or by wards, or by primary election precincts, or combinations thereof, where the same have already been established.

Apportionment.

City primaries.

1371. Primary elections shall be held in this state on the following dates, that is to say: On the second Tuesday in the month of August in each and every even-numbered year a primary election shall be held for the election of delegates to all state, district, and local conventions for the purpose of making nominations for officers to be voted for at the next ensuing general election, and in case of any county, or city and county, where at the date of the taking effect of this chapter, or thereafter, there shall be held a general election for county, or city and county, officers, in odd-numbered years, then a primary election shall be held in such county, or city and county, on the second Tuesday in August in each and every odd-numbered year for the purpose of electing delegates to any local convention for the purpose of making nominations for candidates for county, or city and county, officers to be voted for at the next ensuing election. In any year when by law an election is to be held in any city or town in this state for the purpose of electing city or town officers, primary elections for the election of delegates to such city conventions shall be held on the sixth Tuesday next preceding the election for such public officers in such city or town; *provided*, that where any city election of city officers is to be held on the same day as any general or county election for state, district, county, or township officers, then the delegates to any such city convention shall be elected from the proper territory at the state or local primary in such county.

Time of holding primary elections.

Secretary  
of state,  
duties of,  
in re pri-  
mary elec-  
tions.

1372. Upon the expiration of the time allowed by law for the filing of the petitions with the secretary of state, as herein provided, he must transmit copies of such petitions to the various election commissioners of the counties, or of any city and county, in which such primaries are to be held. And the secretary of state shall forthwith in writing notify the governing body of each political party which has theretofore filed with him such petition, of the transmission of such copies of its petition to the election commissioners of the various counties, or cities and counties, within the state. Within ten days after the receipt of such notice, where its petition theretofore filed with the secretary of state does not make the apportionment of delegates in detail, the proper party committees of the petitioning political party in the respective counties, or any city and county in this state, shall file with the election commissioners of the respective county, or city and county, its apportionment of delegates within such county, or city and county. At least fifteen days before the holding of a state, district or local primary, the election commissioners of each county, or city and county, and in like manner before the holding of a city primary, the board of trustees or governing body of such city, shall publish a notice thereof for three successive publications in at least one daily newspaper published in such city, county, or city and county, as the case may be. If there be no daily newspaper in any city, county, or city and county, then in some weekly newspaper for at least two successive publications, and if there be neither daily nor weekly newspapers in any city, county, or city and county, respectively, then for like periods in some daily or weekly newspaper in an adjoining city, county, or city and county, as the case may be. Such notice shall contain the names of the political parties which are entitled to nominate candidates for public offices by convention, and which are entitled to participate in the primary election next ensuing, the offices for which nominations may be made, a designation of precincts, the location of polling places, the names of the primary election officers, together with the number of delegates and the apportionment thereof, which each party is entitled to elect, from each assembly district, ward, township, or parts of wards or townships, or other territorial district, as such apportionments are made, and set forth in the various petitions of the different political parties as in this chapter provided.

Publica-  
tion of  
notice.

Contents  
of notice.

Election  
commis-  
sioners,  
duties of.

1373. Prior to each state or district primary, and upon receipt of the notice from the secretary of state, the election commissioners shall appoint the proper number of primary election officers for each primary election precinct which shall be then, or shall have been theretofore, established by them. The appointment of primary election officers, and the establishment of primary election precincts for the foregoing and for all other primaries shall be made by the proper board of election commissioners sufficiently previous in point of time to permit the apportionment of delegates and the publications herein directed. The election commissioners may combine not more than three contiguous general election precincts into one primary

election precinct; *provided*, that no primary election precinct shall embrace territory not in the same assembly or supervisorial district; *and provided further*, that where any city, town, or city and county, is by law or charter divided into wards, no primary election precinct in such city, town, or city and county, shall embrace territory not included in the same ward, and in the same supervisorial and in the same assembly district.

Election  
commis-  
sioners,  
duties of.

1374. The ballots for primary elections shall have only upon them appropriate directions for voting said ballots, stating the party names, and the designations of the various conventions to which delegates are to be elected, and the number of delegates which parties operating co-extensively within each division thereof are entitled respectively to elect to each convention at the particular precinct where said ballot is to be used, but nothing more; all of which shall be concisely and briefly set forth in proper and convenient columns, lines, and headlines, so that there shall be one column for each political party participating. The voter may write the names of his choice for delegates with pen or pencil, or he may attach in the proper place on the ballot with any adhesive substance a slip of paper containing the names of his choice; *provided*, that on any such slip there may be printed a designation of the convention to which the delegates are to be elected. Each voter may vote for as many names for delegates as may be entitled to be elected to his respective party convention, or conventions, from the primary precinct at which he votes, under and by virtue of the apportionment hereinbefore determined by the various party committees, and the directions in pursuance therewith appearing on said ballot. Any ballot upon which any names appear for delegates to more than one convention, for the same territory, shall be disregarded. That is to say, no ballot shall contain names of candidates for delegates to more than one state convention, or more than one district convention, or more than one local convention, or more than one city convention; any ballot not conforming hereto shall be disregarded. In case of a tie vote between candidates for delegates, so that it cannot be determined who is elected, such fact must be reported and certified to such candidates and to the secretary of the proper party committee, and the convention may determine the respective rights of such candidates to sit or act in the convention. Nothing herein shall be held to prevent the election of the same person to more than one convention.

Ballots,  
what they  
shall con-  
tain.

Tie vote.

The form of such ballot shall be substantially as follows, adding thereto other columns, designations of conventions, and other matters herein provided, all as may be necessary:

Form of  
ballot.



together with supplemental registers or additions showing all additional registrations, changes and corrections made since the last general registration.

1376. All persons entitled to register or vote at any primary election in any city, county, or city and county, whose names are not upon the register, or who may be entitled to transfer their registration, shall be entitled to be registered or transferred so as to enable them to vote at such primary election, and for that purpose it shall be the duty of the officer charged with the registration of voters in each county, or city and county, to keep his office open for at least fifty days prior to the fifteen days immediately preceding such primary election.

Registration of electors.

1377. No convention shall be illegal because of a failure of any precinct or political division to elect delegates thereto. A majority of delegates chosen shall constitute a quorum, and each convention shall be the judge of the election and qualification of its members, and no convention shall be recognized as in law entitled to make nominations unless the delegates thereto were elected under and by virtue of the provisions of this chapter.

Majority of delegates, a quorum.

1378. 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 as herein provided, and said clerk must, in 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, delivered, or mailed; and if any delegate entitled to credentials shall not have received his credentials, or shall have lost the same, said clerk must, upon request, issue a new credential to such delegate, which must be stamped "duplicate."

Credentials of delegates, and list of same.

Duplicate list.

1379. Any person so chosen to act as a primary election officer who shall willfully 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 fifty 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. Any act declared to be an offense by the general laws concerning elections in this state is hereby declared to be an offense in all primary elections, and shall be punishable in the same manner and with like penalties as are prescribed for the punishment of all similar offenses against the general election law.

Penalty for refusal to act as election officer.

1380. When there shall not be in any city, county, or city and county, any board of election commissioners as such, then all duties enjoined and powers conferred herein upon such board of election commissioners, shall be enjoined and conferred upon and performed by the common council or board of trustees of a city, or board of supervisors of a county, or city and county, in each case respectively, as hereinbefore specified.

Who shall act when no election commission exists.

Sections  
repealed.

Sections thirteen hundred and fifty-seven, thirteen hundred and fifty-eight, thirteen hundred and fifty-nine, thirteen hundred and sixty, thirteen hundred and sixty-one, thirteen hundred and sixty-two, thirteen hundred and sixty-three, thirteen hundred and sixty-four, and thirteen hundred and sixty-five of the Political Code be and the same are hereby repealed.

SEC. 2. This act shall take effect immediately.

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## CHAPTER XLVII.

*An act prohibiting the payment of money by the state to counties and cities and counties for the collection of taxes.*

[Approved March 4, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Claims  
based on  
tax collec-  
tions,  
invalid.

SECTION 1. No money shall be paid by the state to any county or city and county of the state on account of any claim based upon the collection of taxes heretofore made by any county or city and county of the state or the officers thereof.

SEC. 2. This act shall take effect immediately.

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## CHAPTER XLVIII.

*An act to amend section thirteen hundred and seventy-nine of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections.*

[Approved March 4, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and seventy-nine of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections, is hereby amended so as to read as follows:

Penalty for  
refusing  
to act as  
officer at  
primary  
elections.

1379. Any person so chosen to act as a primary election officer, who shall willfully fail or refuse to act in the capacity for which he is chosen, without having been excused therefrom, shall be liable to a civil suit in the sum of twenty-five dollars, in liquidated damages, to be brought by the district attorney, in the name of the people of the state of California, and shall pay the same, which sum, when collected, together with costs, shall be paid into the treasury of the county, or city and county, respectively.

SEC. 2. This act shall take effect immediately.



## CHAPTER XLIX.

*An act to amend "An act entitled an act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26th, 1895.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The act of the legislature entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March twenty-sixth, eighteen hundred and ninety-five, is hereby amended to read as follows:

Section 1. In every city, or city and county, of this state, where there is a regularly organized paid fire department, the board of supervisors, common council, commissions, or other body having the management and control of the same, are authorized and required, once in every year, to provide for each regular or permanent member thereof, a leave of absence, from active duty, of not less than five nor more than ten days in each year, and in addition thereto a leave of absence from active duty of two days in every month of such service. Leaves of absence so granted, as aforesaid, must be arranged by said board or commission so as not to interfere with or in any way impair the efficiency of the said department. No deduction must be made from the salary or pay of any member of such fire department granted such leaves of absence under the provisions of this act.

Yearly  
vacations  
to mem-  
bers of  
paid fire  
depart-  
ments.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 4, 1899.]

## CHAPTER L.

*An act to amend section four hundred and fifty-six of the Civil Code.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and fifty-six 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,

Railroad  
corporations may  
borrow  
money  
and issue  
bonds, etc.

at a rate of interest not exceeding ten per cent per annum; and may also issue bonds, or promissory notes, at the same 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 purpose 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 payments 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.

[Became a law, under constitutional provision, without Governor's approval, March 4, 1899.]

## CHAPTER LI.

*An act to amend section eleven hundred and eighty-six of the Political Code, relating to conventions.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Conventions defined, and powers and privileges of same.

1186. Any convention as hereinafter defined, held for the purpose of making nominations for public office, and also electors to the number hereinafter specified, may nominate candidates for public office to be filled by election within the state. A convention, within the meaning of this act, is an organized assemblage of delegates, elected by ballot at a primary election, and representing a political party which, at the last election before the holding of such convention, polled at least three per cent of the entire vote of the state, county, city and county, district, or other political division for which the nominations are to be made. Conventions may, in addition to making nominations of candidates for public office, appoint or elect governing committees for the respective party they represent, which committees shall serve for the next ensuing two years and until the next biennial convention of the respective party which they represent has organized, but no longer. The term "political party" within the meaning of this act includes any party which may be named in the certificate of nomination mentioned in section eleven hundred and eighty-eight of this code; *provided*, that in any political division of this state wherein no general election shall have been held after its organization, a convention of any party polling at least three per cent of the votes cast in the precincts composing said political division shall have the same power, and its nominations

"Political Party."

the same effect, as though such political division has been organized before the next preceding general election.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 4, 1899.]

## CHAPTER LII.

*An act to amend the Penal Code of the state of California, by adding a new section thereto, to be numbered sixty-four and one half, relating to elections, by providing for the punishment of offenses at primary elections.*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered sixty-four and one half, to read as follows:

64½. All the provisions of sections forty to sixty-four of this code, both inclusive, shall apply with like force and effect to elections, known and designated as primary elections, held and conducted under official supervision pursuant to law and to registration therefor, as to other elections, whether the word "primary" be used in connection with the word "election" or "elections" used in said sections or not.

Punish-  
ment of  
offenses at  
primary  
elections.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 4, 1899.]

## CHAPTER LIII.

*An act to amend sections ten hundred and eighty-three, ten hundred and ninety-four, ten hundred and ninety-five, ten hundred and ninety-six, ten hundred and ninety-seven, eleven hundred and three, eleven hundred and five, eleven hundred and thirteen, eleven hundred and fifteen, eleven hundred and sixteen, eleven hundred and thirty, twelve hundred and four, twelve hundred and sixty-one, and to repeal sections ten hundred and ninety-eight, ten hundred and ninety-nine, eleven hundred, eleven hundred and one, eleven hundred and fourteen of the Political Code.*

[Approved March 4, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections ten hundred and eighty-three, ten hundred and ninety-four, ten hundred and ninety-five, ten hundred and ninety-six, ten hundred and ninety-seven, eleven hundred and one, eleven hundred and three, eleven hundred and five, eleven hundred and thirteen, eleven hundred and fifteen,

eleven hundred and sixteen, eleven hundred and thirty, twelve hundred and four, and twelve hundred and sixty-one of the Political Code are hereby amended to read as follows:

Qualifications of electors.

1083. Every male citizen of the United States, every male person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides.

Registration of voters

1094. A register, in which shall be entered the names of the qualified electors of each of the counties of the state, shall be kept at the office of the county clerk of each county, and in each of the cities and counties of the state such a register shall be kept in the office of the person charged with the registration of voters of such city and county. There shall be, in each even-numbered year, in each of the counties of the state, a new and complete registration of the voters of such counties, and cities and counties, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the forty days immediately preceding any election, when it shall cease as to electors residing in the territory within which such election is to be held; but transfers may be made from one precinct or ward to another in the same county, or city and county, at any time except within twenty-five days immediately preceding any such election. The board having charge and control of elections in the several counties and cities and counties may provide, by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters. Upon the written request of the officer charged with the registration of voters, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms or sleeping apartments or beds in the premises under his control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section, shall be guilty of misdemeanor. Any voter registered in premises in which the landlord or keeper neglects or refuses to comply with this act, shall be cited to appear before the election commissioners within five days in order to verify his right to vote. It shall be considered as a proper citation to such voter if the citation is addressed to the name of the party registered, the number of room and place of registration; and if the party cited does not appear, in answer to the citation, at the time appointed, his name shall be stricken from the register of voters. The landlord or keeper of premises from which the

Duties of landlords.

voter is registered shall also be cited to appear at the same time and place at which the citation of his alleged lodger is returnable.

1095. In the great register the clerk must, as hereinafter provided, enter the names of the qualified electors of the county. What registration must show.

1096. Such entry must show:

1. The name at length.
2. The age, omitting fractions of years.
3. The occupation.
4. The height.
5. The visible marks or scars, if any, and their location.
6. The country or state of nativity.

7. The place of residence (giving ward and precinct); and in municipal corporations, by specifying the name of the street, avenue, or other location of the dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house.

8. If naturalized, the place of naturalization.

9. The date of the entry of each person.

10. The post office address.

11. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his name, and whether or not the elector has any physical disability by reason of which he cannot mark his ballot; and if he cannot mark his ballot by reason of physical disability, then the nature of such disability must be entered.

1097. No person's name must be entered by the clerk, unless: Qualifications for registration.

1. Upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made.

2. If a naturalized citizen, upon the production of his certificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity and the time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this state for one year next preceding the time of application, and that he would be an elector of the county at the next succeeding election; *provided, however*, if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties, or cities and counties of this state, his name must not be entered by the clerk unless he produces a certificate of such registration, issued by the party authorized by law to issue such certificate, which certificate shall be prima facie evidence of his naturalization.

3. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United

States, and under the age of twenty-one years, and that he is or would be an elector of the county at the next ensuing election.

4. In other cases, upon the affidavit of the party that he is or will be an elector of the county at the next succeeding election. Such affidavit must be made before a county clerk or officer charged with the registration of voters or their deputies.

5. In every case the affidavit of the party must show all the facts required to be stated in the entry on the register, except the date of the entry.

**Affidavits.** 1103. The clerk must preserve all affidavits used before himself or his deputies for the purpose of procuring registration.

**Cancellation.** 1105. There must be left opposite each name in the great register a blank for cancellation. Cancellation is made by writing in such blank the word "canceled," and a statement of the reasons therefor, and by writing in red ink across the face of the affidavit used in procuring such registration the same words as are used in making the cancellation in the great register.

**Binding affidavits of registration.** 1113. Within fifteen days after the last day of registration, the clerk shall arrange the affidavits of registration for each precinct alphabetically by surnames, and number the same, beginning with one in each case, and bind the same, or cause them to be bound, into a book by fastening the left-hand edges together with a staple, wire, thread, or other suitable material; he shall at the same time treat the duplicate affidavits of registration in the same manner.

**Index.** 1115. Within five days after the binding of the said books, the clerk shall prepare an index of each book, said index to contain the names, ages, address, and numbers as they appear in said books, and shall have at least one hundred copies of said index printed.

**Precinct books.** 1116. The clerk must, before the day of election, transmit and cause to be delivered to the board of election in each precinct, one of such books of affidavits of registration for their respective precinct, which shall constitute the register to be used at such election; he shall also cause to be delivered at the same time five copies of the index to said book.

**Precinct boundaries.** 1130. The following limitations are imposed upon the powers given the supervisors in this chapter:

1. No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district.

**Method of voting.** 1204. Any person desiring to vote shall write his name and address (or if he be unable to write, shall have the same written for him) on a roster of voters provided for that purpose, and announce the same to one of the ballot clerks, who shall then, in an audible tone of voice, announce the same, and if the other ballot clerk finds the name on the register, he shall, in like manner, repeat the name and address, whereupon a challenge may be interposed, as provided in

section one thousand two hundred and thirty of this code. If the challenge be overruled, the ballot clerk shall give him a ticket, and the clerk shall write on the register, opposite the name of the voter, the number of the general ticket given him, and also the number of the municipal ticket given him, when any city, city and county, or town officer is to be elected; and the voter shall be allowed to enter the place inclosed by the guard rail, as above provided. The ballot clerk shall give him but one general ticket, and where any city, city and county, or town officers are to be elected, also one municipal ticket, and only one ballot of each kind; and in order to prevent voters from marking their ballots with a pencil, or otherwise, contrary to law, it shall be the duty of the ballot clerk, whenever he shall deliver a ballot to any voter, to then orally, distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law, or it will not be counted.

1261. The board must, before it adjourns, inclose in a cover, and seal up and direct to the county clerk, the copy of the register upon which one of the judges marked the word "voted" as the ballots were received, one of the lists of the persons challenged, one copy of the list of voters, one of the tally-lists and list attached thereto, and the roster signed by the voters. Duty of election board.

SEC. 2. Sections ten hundred and ninety-eight, ten hundred and ninety-nine, eleven hundred, eleven hundred and one, and eleven hundred and fourteen of the Political Code are hereby repealed. Repealed.

SEC. 3. This act shall take effect on the first day of January, Anno Domini nineteen hundred.

#### CHAPTER LIV.

*An act in relation to municipal elections where the same are held separate from general state elections, and 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, and to repeal an act entitled an act in relation to elections held under the authority of section eight of article eleven of the constitution, approved March 31, 1897.*

[Approved March 4, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Except in the particulars otherwise provided for in the constitution, all municipal elections, where the same are held separate from general state elections, and 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. Municipal elections held separate from general elections, how conducted.

**Precincts.** SEC. 2. The boards of municipalities charged with the conduct and carrying on of elections may district and subdivide the municipalities into municipal election precincts, for the holding of the elections mentioned in section one of this act, and change and alter such precincts, and redistrict the municipality for such elections as often as occasion may require.

**Same.** SEC. 3. In establishing such municipal election precincts, said board may consolidate the precincts which existed for the holding of the last preceding general state election to a number not exceeding six for each municipal election precinct, and shall number the municipal election precincts so established consecutively, and each precinct as established shall be known as "municipal election precinct number \_\_\_\_\_."

**Who may vote.** 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.

**Electors and qualifications.** SEC. 5. Every person who was a qualified elector at the general state 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 municipal election precinct, and who continues to reside within the exterior boundaries of such municipal 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.

**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 municipal election precinct wherein he claims to be entitled to vote. Such registration must take place at least twenty-five 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 at least thirty days prior to the twenty-fifth day preceding any such election, for the registration of voters who may desire to vote at such election.

**Board of election.** SEC. 7. The boards of municipalities charged with the conduct of elections shall appoint a board of election for each municipal election precinct, to consist of two inspectors, two judges, two clerks, and two ballot clerks, who shall apportion among themselves the work and labor required to conduct such election within their respective municipal 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.

**Register to be used.** SEC. 8. The register used in each municipal election precinct shall consist of a copy of the register of the county, or city and county, used at the general state election immediately preceding the holding of the election provided for in this act



in the precincts which compose the municipal election precinct, together with the additional names of the persons who, by registration had since such general state election, are entitled to vote at any of the elections herein provided for within the municipal election precinct. In the event that precinct registers were used at the last preceding general state election, then it shall be the duty of the county clerk, or persons clothed with the authority for the registration of voters, to furnish a copy of the precinct register of each of the precincts which compose said municipal election precinct to the board of election for each municipal election precinct and the additional registrations above mentioned.

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 municipal election precinct, or unless, according to the constitution and laws of this state, he is entitled to vote thereat. Qualifica-  
tions.

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. The act approved March thirty-first, eighteen hundred and ninety-seven, entitled 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 amendments to existing charters, is hereby repealed. Repealed.

SEC. 12. This act shall take effect immediately.

## CHAPTER LV.

*An act to establish a camp of instruction for the national guard of the state of California, and to authorize the acquisition, by donation, of a site for the same.*

[Approved March 4, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby established, at or near the city of Santa Cruz, county of Santa Cruz, state of California, a camp of instruction for the national guard of California.

SEC. 2. The adjutant-general, major-general, and the senior brigadier-general of the national guard of the state of California, are hereby appointed commissioners for the purpose of selecting a suitable site for said camp of instruction, at or near said city of Santa Cruz. They shall, within ninety days after the passage of this act, examine the different tracts of land offered by the city of Santa Cruz and the county of Santa Cruz, Camp of  
instruction  
for N. G. C.

Camp of  
instruction  
for N. G. C.

or the citizens thereof, for the location of said camp of instruction, and shall select therefrom, if in their judgment practicable, a suitable site for said camp of instruction.

SEC. 3. After the selection of said site by the commissioners named in the preceding section, and their action meeting the approval of the governor, the said commissioners shall have the power to procure by donation the site so selected for said camp of instruction. The deed or deeds therefor shall be duly executed to the people of the state of California and delivered to the controller, after examination and approval by the attorney-general.

SEC. 4. Said camp of instruction shall be known as and called, the state camp of instruction for the national guard of California.

SEC. 5. This act shall take effect immediately.

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#### CHAPTER LVI.

*An act to amend section twelve hundred and eighty-one (1281) of the Political Code.*

[Approved March 4, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Canvass of  
votes.

1281. The canvass must be made in public, and by opening the returns and estimating the vote of such county or township for each person voted for, and for and against each proposition voted upon at such election, and declaring the result thereof; and such count must be continued daily, Sundays and holidays excepted, and for not less than six (6) hours each and every day until completed.

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#### CHAPTER LVII.

*An act to amend section four hundred and twenty-seven of an act entitled "An act to establish a Civil Code of the state of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

427. Corporations organized subsequent to April first,

eighteen hundred and seventy-eight, under the laws of this state, for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:

How funds of insurance companies may be invested.

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

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

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

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

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

6. Corporations organized for and engaged in the business of fire and marine insurance may, after the investment of two hundred thousand dollars, and corporations formed or organized for the transaction of business in any kind of insurance not enumerated in section four hundred and nineteen of the Civil Code may, after the investment of one hundred thousand dollars in the manner provided in subdivisions one, two, three, and four of this section, invest the balance of their capital, and any accumulations, in interest-bearing, first mortgage bonds of any corporations (except mining companies), not in default of interest, organized and carrying on business under the laws of any state of the United States; *provided*, that a two-thirds vote of all the directors of such corporations shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly on the first days of January, April, July, and October of each year, to the insurance commissioner, a list of such investments so made by them; and the insurance commissioner may, if such investments or any of them seem injudicious to him, require the sale of the same. But no investment in the securities named in subdivisions one, two, three, and six of this section must be made in an amount exceeding the market value of such securities at the date of such investment.

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

[Became a law, under constitutional provision, without Governor's approval, March 6, 1899.]

## CHAPTER LVIII.

*An act to add a new section to the Political Code, to be known and numbered as section five hundred and forty, creating the state printing fund, authorizing its use, and prescribing the duties of the superintendent of state printing, controller, and treasurer, in connection therewith, all relating to state printing.*

[Approved March 6, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known and numbered as section five hundred and forty, and to read as follows:

State  
printing  
fund.

540. Subdivision 1. There is hereby created a fund to be known as the state printing fund of the state treasury.

Subdivision 2. The state printing fund shall consist of all moneys appropriated by the legislature for the support of the state printing office, and all moneys received into the state treasury from any source whatever in payment of all printing, ruling, and binding done in the state printing office. From it all expenses for the support of the state printing office shall be paid.

All state  
printing  
to be done  
at state  
printing  
office.

Subdivision 3. The reports of all state officers, boards of officers, commissions, trustees, regents, and directors, required or authorized by law to make reports, or to publish any circulars, bulletins, and to obtain any printed books, stationery, or printed matter of any kind, must be printed, ruled, and bound at the state printing office, at the expense of their respective funds or appropriations, after being first authorized in each instance by the state board of examiners.

Duties of  
superin-  
tendent of  
state  
printing,  
et al.

Subdivision 4. The superintendent of state printing, subject to the approval of the board of examiners, shall determine the charge to be made for all printing, ruling, and binding, and shall fix a price from time to time that will cover all costs of material and doing the work, not taking into consideration the cost of the plant of the state printing office. He shall render bills for each item of printing, ruling, and binding, or other charge against the respective officer or institution ordering the same, which bills shall be audited by the state board of examiners and paid out of the appropriation or fund of the said officer or institution chargeable with the same, on warrants drawn by the state controller.

Subdivision 5. The controller and treasurer are hereby authorized and directed to transfer from the general fund to the state printing fund any and all moneys appropriated from time to time by the legislature for the support of the state printing office.

Duties of controller and treasurer.

Subdivision 6. The superintendent of state printing shall render monthly reports to the state controller of all moneys received under the provisions of this section, and shall pay same into the state treasury to the credit of the state printing fund.

Monthly reports.

Subdivision 7. The board of examiners may at any time order the controller to transfer money from the sum allowed to any officer, board, or other body mentioned in subdivision three of this section, for printing and other work at the state printing office, to the credit of any other such officer, board, or other body that may need the same, and whose allowance for that purpose has been exhausted.

Controller to transfer money.

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 July first, eighteen hundred and ninety-nine.

## CHAPTER LIX.

*An act to amend an act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners (approved March 4, 1881; Stats. 1881, 26), relating to assessing and collecting said taxes.*

[Approved March 6, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of "An act to amend an act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a board of fire commissioners" (approved March fourth, eighteen hundred and eighty-one), is hereby amended to read as follows:

Fire department in unincorporated towns and villages.

Sec. 1. Any unincorporated town or village of this state may equip and maintain a fire department for the purpose of protecting property from destruction by fire.

Fire department.

Sec. 2. Upon the application, by petition, of fifty or more taxpayers and residents of said town or village to the board of supervisors of the county in which said town or village is situated, the said board of supervisors shall appoint three commissioners, to be known as and called a board of fire commissioners, of the town or village for which they are appointed, who shall hold their office until the second Monday in April next thereafter, and until their successors are elected and qualified.

Fire commissioners, how appointed.

Duty of  
commis-  
sioners.

Sec. 3. The board of fire commissioners so appointed by said board of supervisors, and their successors, shall be authorized and empowered, and it shall be their duty:

1. To fix and establish the fire limits of said town or village, and shall accurately describe the same, in writing, by metes and bounds, and file a copy thereof, subscribed by them, in the office of the county recorder of the county in which said town or village is situated;

2. To make all contracts with water companies for a supply of water, and attaching hydrants or fire plugs to the pipes, or conduits, or cisterns of such water company; to make contracts for and to purchase the engines, hose, hose carts or carriages, and other appliances for the full equipment of a fire company or department;

3. To call an election and submit to the electors residing within the fire limits fixed by them the question whether a tax shall be levied and raised for the purpose of establishing and maintaining a fire department for the said town or village, and for protecting the same from loss by fire;

4. To appoint judges, not less than three, and other officers, to conduct such election, and to issue certificates of election;

5. To do and perform such other acts and things as may be proper and necessary to carry out the full intent and meaning of this act.

Elections.

Sec. 4. Said election must be called by posting notices in three of the most public places in said town or village, for not less than ten days, and also, if there is a newspaper printed and published in the town or village, by advertising such notice therein at least two regular issues of the paper.

Notice of  
election,  
what to  
contain.

Sec. 5. Such notice must specify the time and place of holding the election, and the amount required for each specific purpose, and the amount of money to be raised shall not exceed in any one year one per cent of the assessable property within the fire limits, as fixed by the board of fire commissioners; *provided*, that after the first year the amount so raised shall not exceed one half of one per cent.

Appoint-  
ment of  
officers of  
election.

Sec. 6. The board of fire commissioners must appoint three judges and two clerks, to conduct the election, and it must be held in all respects as nearly as practicable in conformity with the general election law; *provided*, that no new register shall be required, nor legal ballot paper; and *provided further*, that the polls may be opened at eight o'clock A. M. and close at five o'clock P. M. on the day appointed for such election.

Form of  
ballot.

Sec. 7. At such election the ballots must contain the words "tax—yes," or "tax—no."

Election  
returns,  
how and  
when  
made.

Sec. 8. The judges of election shall, within twenty-four hours after holding said election, make returns and certify said votes, and the names of the person or persons voted for, to the said board of fire commissioners, and within five days after the returns have been received by the board of fire commissioners they shall count the votes, determine who has been elected, and forthwith issue certificates of election to the persons elected.

Sec. 9. The board of supervisors must, at the time of levying the county taxes, levy a tax upon all the taxable property within the fire limits of the unincorporated town or village voting such tax sufficient to raise the amount voted. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. The taxes so levied shall be computed and entered on the assessment roll of 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 district in which the tax was voted.

Super-  
visors to  
levy tax.

Sec. 10. All moneys arising from the tax herein authorized to be levied and collected shall be kept by the treasurer of the county in which said town or village is situated, subject only to the order of said board of fire commissioners of said town or village voting said tax.

Moneys,  
how kept.

Sec. 11. The treasurer shall receive no compensation for the receipt and disbursement of moneys derived under the provisions of this act.

No com-  
pensation  
to treas-  
urer.

Sec. 12. The board of fire commissioners are hereby directed and empowered to make all necessary arrangements for the purchase of rights of making connections with the pipes of water companies for fire-plugs or hydrants, in such part of the town or village as they shall deem best for the common interest, and also for purchasing fire-hose and carriages, subject, however, to the provisions hereinbefore contained.

Powers of  
board.

Sec. 13. They shall procure all necessary books and blanks for the purpose of keeping a correct record of their proceedings; and they shall keep a record of all their acts, of all moneys received and disbursed by them, which said books shall be open to public inspection at all times.

Same.

Sec. 14. All accounts, bills, and demands against the fire department shall be audited, allowed, and paid by the board of fire commissioners by warrants drawn on the county treasurer, and the county treasurer shall pay the same in the order in which they are presented.

Auditing  
demands.

Sec. 15. The board of fire commissioners shall, from time to time, and in like manner, submit to a vote of the electors of said town, or village, the propriety of levying and raising an additional tax for keeping in repair the apparatus of said fire department, and maintaining the same in good order and condition.

Levy  
additional  
tax.

Sec. 16. No officer or officers created by this act shall receive any compensation for his or their services.

Compen-  
sation.

Sec. 17. In case of a vacancy of any or all of the members of the board of fire commissioners, after election had, by death, resignation, or otherwise, such vacancy shall be filled by appointment by the board of supervisors of the county in which said vacancy may happen.

Vacancies,  
how filled.

Refusal to  
levy tax  
defers  
election.

Sec. 18. That in case an election be had under the provisions of this bill, and the electors, by vote, shall decline to equip and maintain a fire department, and refuse to levy and collect a tax for that purpose, no other election shall be called or held under this act within one year next thereafter.

Election,  
when held.

Sec. 19. An election shall be held annually, on the first Monday of April, for the election of three fire commissioners, who shall take their office on the next succeeding Monday in the same month; and it shall be the duty of the board of fire commissioners to give notice of such elections by posting notices thereof in three public places in the town, for at least two weeks before the day of election. They shall also appoint the judges of election.

To turn  
over prop-  
erty to  
successors.

Sec. 20. Each board of fire commissioners shall, at the expiration of their term of office, turn over to their successors all the books and documents belonging to the office of said board of fire commissioners, taking their receipt for the same.

Act to be  
liberally  
construed.

Sec. 21. No assessment or act relating to assessment or collection of taxes, or elections held under the provisions of this act, shall be illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with the provisions of this act, nor on account of any misnomer; but the same shall be liberally construed, with a view to hold valid all acts done under this act.

Commis-  
sioners,  
what may  
regulate.

Sec. 22. The said board of fire commissioners may regulate the construction of, and order the suspension, discontinuance, removal, repair, or cleaning of, fireplaces, chimneys, stoves and stovepipes, flues, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory, or business which may be dangerous in causing or promoting fires, and prescribe limits within which no dangerous nor obnoxious and offensive business may be carried on.

May adopt  
ordi-  
nances.

Sec. 23. They may adopt such ordinance, within the purview of the preceding section, as they may deem proper to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present shall be vested with police powers. Such ordinances shall be signed by the said fire commissioners, and published in a newspaper printed in said town or village, or posted in three of the most public places thereof, for the period of two weeks, at the end of which time it shall be and become a law for the government of the inhabitants of said town or village.

Misdemeanor.

Sec. 24. Any person who shall violate any of the provisions of said ordinance shall be guilty of a misdemeanor.

Juris-  
diction of  
justice of  
peace.

Sec. 25. Any justice of the peace within the townships within which said town or village is situated shall have jurisdiction of all prosecutions under this act, and sections fourteen hundred and twenty-six to fourteen hundred and forty-nine, both inclusive, title nine, chapter one, of the Penal Code, are hereby made applicable to proceedings under this act.



SECTION 2. All acts or parts of acts, so far as they do conflict with the provisions hereof, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

## CHAPTER LX.

*An act providing for the construction and furnishing of a residence for the governor of the state of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of fifty thousand dollars (\$50,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of erecting and furnishing a residence for the governor of the state of California, and in payment of other expenses incident thereto.

Governor's residence; appropriation.

SEC. 2. The erection of said residence, the letting of the contracts therefor, and the expenditure of all moneys for the construction and furnishing thereof, shall be under the control and direction of the state capitol commission.

SEC. 3. Said governor's residence shall be erected in the city of Sacramento, and on the grounds of the state capitol park; and the state capitol commissioners are hereby directed to set apart such portion of said capitol park as may be necessary for such purposes.

Location.

SEC. 4. The said commission shall let the contracts for the erection of the governor's residence, and the furnishing of the same, and shall pay all expenses incident thereto. It may employ a superintendent of construction, clerks, or other necessary employes, at salaries to be fixed by the commission, to be paid out of the appropriation herein provided, and approved by them. It may offer prizes for competitive plans, and the commission shall be allowed the necessary contingent expenses incurred in the prosecution of its duties, but such salaries, prizes and expenses, together with the cost of construction and furnishing, shall not in the aggregate exceed the amount herein appropriated. Said appropriation of fifty thousand dollars shall be subdivided and expended as follows: For the erection of the governor's residence, and the payment for the necessary plans therefor, and all necessary expenses therefor, forty thousand dollars; for the furnishing of the governor's residence, ten thousand dollars; and in no case shall indebtedness be created by the commission, or allowed by the state board of examiners, for any of the items heretofore mentioned in this section in excess of the amount herein named. And all items of expenditure shall, before payment, be audited by said commission, and be approved by the state board of examiners; and

Duties of capitol commissioners.

Apportionment of appropriation.

all of the expenses for erecting and furnishing said governor's residence shall be payable out of the appropriation made in this act.

Date of completion

SEC. 5. The governor's residence herein provided for shall be of stone, or other permanent material; and it shall be completed and ready for occupancy by or before the first day of January, A. D. nineteen hundred and one.

Report to legislature

SEC. 6. Upon the erection, completion, and furnishing of said governor's residence, said commission shall make a full report of their acts and expenditures to the next session of the legislature of the state of California.

Duty of controller and treasurer

SEC. 7. The state controller is hereby directed to issue his warrants, from time to time, and in such sums as may be necessary for the payment of any contracts or other expenses incurred by the commission under the provisions of this act, and the state treasurer is hereby directed to pay the same.

SEC. 8. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

In effect.

SEC. 9. This act shall take effect and be in force on and after its passage; *provided*, that no contract price nor any portion thereof shall be payable before the first day of January, nineteen hundred.

[Became a law, under constitutional provision, without Governor's approval, March 7, 1899.]

## CHAPTER LXI.

*An act making an appropriation for the contingent expenses of the senate for the thirty-third session of the legislature.*

[Approved March 8, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Contingent expenses of the senate

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-third session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXII.

*An act to provide for the reorganization of municipal corporations and for determining the population thereof.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The legislative body of any municipal corporation of the sixth class, upon receiving a petition for the reorganization of said corporation under a higher or lower class, according to the classification now provided by law, signed by not less than one fifth of the qualified electors of said corporation, as shown by the vote cast at the last municipal election held therein, shall submit to the electors of such city, at a special election to be called within two weeks after receiving such petition, the question whether such city shall so reorganize under and in accordance with the provisions of this act. Such election shall be held within four weeks after the time when so called. Notice of such election shall be given by publication for at least ten days in a newspaper published in said city; or, if there be no newspaper published therein, by printing and posting the same in at least four public places therein. Such notice shall state the proposition to be submitted at said election. The ballots to be used at such election shall contain the words: "reorganization—yes," and "reorganization—no." Such election shall be held in accordance with the general laws of the state so far as applicable. The legislative body of said city shall, at the time of the next regular meeting of said body after such election, canvass the votes cast thereat and declare the result. If a majority of all the electors voting at said election shall be found to have voted for such reorganization such legislative body shall, at said time, and by an order to be entered in its minutes, cause the clerk of said city to forthwith make and transmit to the secretary of state a certified abstract of such vote showing the whole number of electors voting at said election, the number of votes cast for reorganization, and the number of votes against reorganization; and thereafter, at the time prescribed by law for a general municipal election in municipal corporations of the class under which it has been so voted to reorganize, such officers shall be elected in said city as are or may be by law required to be elected at such general municipal election; and from and after the qualification of such officers, said city shall belong to such class; *provided*, that if such canvass of votes, on reorganization, shall occur within less than thirty-five days prior to the time of a general municipal election in cities of the class into which it has been so voted to reorganize, or within three months after such time, then the said legislative body shall immediately call a special election, to be held within at least six weeks after said canvass of votes, which election shall be in lieu of, and be

Reorgan-  
ization of  
municipal  
corpora-  
tions

conducted, as far as may be, as by law prescribed for such general municipal elections, and with like effect.

Title to  
property,  
etc

SEC. 2. The reorganization of any city under the provisions of this act shall not affect the title to any property held by such city, or in trust therefor, or any debts, liabilities, or obligations in favor of or against such city, or any proceedings then pending, or any ordinances theretofore adopted, or any liability incurred for the violation of any ordinance; *provided*, such ordinance or ordinances are not in conflict with such general laws.

Duties of  
officers.

SEC. 3. As soon as the officers elected under the provisions of section one of this act shall have qualified in accordance with law, all persons in possession of the offices of said city shall surrender such possession to such elected officers, and deliver to them all moneys, books, papers and other things in their official custody, and all property of such city in their hands, notwithstanding the terms of office for which they were elected, or appointed, respectively, may not then have expired.

Basis of  
popula-  
tion.

SEC. 4. The census taken under the direction of the congress of the United States in the year eighteen hundred and ninety, and every ten years thereafter, shall be the basis upon which the respective populations of municipal corporations shall be determined, unless a direct enumeration of the inhabitants thereof has been made since such census, in which case such enumeration shall constitute such basis; *provided*, that if no such census, or direct enumeration, shall have been taken or made within three years next preceding the presenting of the petition for reorganization mentioned in section one of this act, such population shall be determined by multiplying by five the number of voters voting at the last general election held in such city.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 8, 1899.]

## CHAPTER LXIII.

*An act to amend sections three hundred and fifty-four, fourteen hundred and eighty-nine, and fourteen hundred and ninety-two of the Political Code, relating to state normal schools.*

[Approved March 8, 1899.]

*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:

354. The normal schools at San José, Los Angeles, Chico, and San Diego, and any normal school established by the legislature of the state of California after the first day of January, eighteen hundred and ninety-nine, shall be known as "state normal schools," and shall each have a board of trustees, constituted as follows: The governor of the state and the state superintendent of public instruction shall be ex officio members of each board. There shall also be five other members of the local board for each normal school, whose term 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-nine, to appoint five trustees as members of each local board, one trustee to serve one year, one to serve two years, one to serve three years, and two to serve for four years, and thereafter to fill vacancies in such board, the terms of office thereafter to be for four years, and to begin July first of each fourth year.

state  
normal  
schools,  
boards of  
trustees

SEC. 2. Section fourteen hundred and eighty-nine of the Political Code of California is hereby amended to read as follows:

1489. The powers and duties of each board of trustees are as follows:

Powers  
and duties  
of local  
boards of  
trustees.

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;

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;

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;

6. To elect the president of the school, and to elect the teachers, upon their nomination by the president of the school, fix their salaries, and prescribe their duties; *provided*, that after the president or a teacher has served successfully and acceptably in the school for the period of two years prior to or after the passage of this act, his or her appointment thereafter may, at the discretion of the board of trustees, be made for a term not to exceed four years, unless removed for cause;

7. To control and expend all moneys appropriated for the support and maintenance of the school, and all moneys received for tuition or donations;

8. To cause a record of all their proceedings to be kept, which shall be open to public inspection at the school;

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;

Powers  
and duties  
of local  
boards of  
trustees.

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 ask it, be heard in his own defense.

SEC. 3. Section fourteen hundred and ninety-two of the Political Code of California is hereby amended to read as follows:

Joint  
board of  
trustees

1492. There shall be a joint board of normal school trustees, to be composed of the chairman and two other members of each local board, such other members to be selected by their respective local boards for each joint meeting; the presidents of the different state normal schools shall also be ex officio members of the joint board. Said joint board shall meet on the second Friday in April of each year, alternately at the different state normal schools. The first meeting after the passage of this act shall be at San José; the second meeting at Chico; the third at Los Angeles; and the fourth at San Diego. 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:

Duties of  
joint board  
of trustees

1. To prescribe a uniform series of text-books for use in the state normal schools; the state series of text-books shall be used, when published, in the grades and classes for which they are adapted.

2. To prescribe a uniform course of study, and time and standard for graduation from the state normal schools;

3. To prescribe a uniform standard of admission for students entering the normal schools;

4. To sit as a board of arbitration in matters concerning the management of each state normal school that may need adjustment.

5. The joint board shall also have the power to pass any general regulations that may be applied to all the state normal schools, thus affecting their well-being;

6. 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;

7. 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. 4. This act shall take effect immediately.

## CHAPTER LXIV.

*An act to amend an act entitled "An act to establish a Political Code," by adding thereto a new section, to be numbered eighteen hundred and eighteen a, providing for special funds for the payment of teachers' salaries in counties constituting but one school district, and defining the duties of boards of education, auditors, and treasurers in relation thereto.*

[Approved March 8, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to said code, to be numbered section eighteen hundred and eighteen a, to read as follows:

1818a. In every county, or city and county, constituting but one school district, a portion of the school funds for any fiscal year subsequent to the present fiscal year equal in amount to the sum total of teachers' salaries for the next preceding fiscal year payable out of the school fund in question, shall constitute a special fund, to be used only for the payment of teachers' salaries as hereinafter provided, and to be known as the teachers' salary fund; *provided*, that no portion of any school fund consisting of moneys which are applicable exclusively to some special purpose defined by statute other than the payment of teachers' salaries shall be deemed a part of such school fund for the purposes of this act. Out of the teachers' salary fund shall be paid the salaries of all teachers holding in the fiscal year positions which existed in the preceding fiscal year. No other demands whatsoever shall be paid out of such fund. If, by any increase in the rate of salaries, or for any other cause, such fund should be insufficient to pay all of the salaries which constitute demands against it, such fund shall be divided pro rata among such demands, and the portion of such demands unpaid shall be payable out of any available money in the school fund of which said teachers' salary fund constitutes a part. If teachers' positions other than or in addition to those which existed in the preceding fiscal year are created, the salaries of teachers holding such different or additional positions shall not be paid out of the teachers' salary fund, but out of any other available moneys, but the amount of such salaries shall be included in determining the amount of the teachers' salary fund for the succeeding fiscal year. If there remain in any fiscal year any money in any teachers' salary fund after the payment of all legal demands for such year against such fund, such money so remaining shall be transferred to the general school fund of which said teachers' salary fund is a part, and shall become available for the payment of any unpaid lawful demands against such general fund. It shall be the duty of any officer whose duty it is to audit

Special fund for payment of teachers' salaries

No other demands shall be paid from such fund.

demands against the school fund of any such county, or city and county, in this state, on or before the first Monday of the fiscal year, to file with the board of supervisors of such county, or city and county, and with the officer whose duty it is to pay demands against the school fund of any such county, or city and county, a certified copy of a statement made by him of the amount of money used in such county, or city and county, for the payment of teachers' salaries for the next preceding fiscal year, and no demands against the school funds of such county, or city and county, shall be allowed, audited, or paid until said copies shall have been filed, as aforesaid. The allowance, audit, or payment of any demand out of a teachers' salary fund in violation of this act, may be enjoined by the suit of any teacher whose salary is payable from said fund. The members of the governing body of any such county, or city and county, in this state, who shall pass a demand against said teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to audit demands against such fund and who shall audit a demand against said teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to pay demands against such funds, and who shall pay a demand against said teachers' salary fund in violation of this act, shall each be jointly and severally liable therefor to any teacher whose salary is payable from said fund who shall have been damaged by the allowance, audit, and payment of such demand.

Liability  
for viola-  
tion of  
this act

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

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## CHAPTER LXV.

*An act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the national guard and naval militia into the United States volunteer service; also, the expenses incurred in reorganizing the national guard and to result therefrom; and making an appropriation to pay the same.*

[Approved March 8, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Detail of  
officers to  
ascertain  
and pay  
armory  
rents, etc.

SECTION 1. The governor is hereby authorized and empowered to detail one or more officers of the national guard, as he may deem necessary, to ascertain and determine what, if any, rents for armories, wages of armorers, and any other proper expenses should be paid in consequence of the mustering in of any of the national guard or naval militia, who were mustered into the United States volunteer service during the year eighteen hundred and ninety-eight, and also the claims existing or



which may have arisen, or which may arise by reason of the said national guard and naval militia having been so mustered in, and also any and all proper charges and expenses against the state on account of the companies, or any of them, which were so mustered in, and by reason of the use of armories for the care and custody of the property left therein, and any proper expenses which have been incurred, or which may be incurred, in the reorganization of said guard.

SEC. 2. Any officer or officers so detailed shall have and receive the same pay and allowances as an officer of like rank in the United States army for the time actually employed, together with reasonable traveling expenses. Pay.

SEC. 3. Any and all claims so adjusted by said appointed officers shall be transmitted through regular military channels to the governor, who shall submit the same to the board of military auditors, and, if approved by it, the controller is directed to draw his warrant in favor of the respective parties, to whom or in whose favor the claims have been allowed, and also his warrant for the pay and expenses of such detailed officer or officers, and for the amounts thereof, and the treasurer is directed to pay the same. Claims.

SEC. 4. The unexpended balance of the appropriation for "armory rents and other expenses, N. G. C.," for the forty-ninth and fiftieth fiscal years, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act. Appropriation

SEC. 5. This act shall take effect immediately.

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## CHAPTER LXVI.

*An act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be the mandatory duty of the board of supervisors of any county of the state of California, whenever a petition of one third of the resident electors of any district describing the exterior boundaries of the said district shall be presented to them, praying for the formation of a sewerage district thereof, to publish for ten days in some daily paper in the nearest municipal corporation, or if there is no daily paper, then to publish weekly for two successive weeks in a weekly paper published in the nearest municipality, a notice of such petition and a description of the exterior boundaries of the district so proposed. If within twenty days after the last such publication a protest containing the signatures of the owners of a majority of the assessed valuation of the property within such district shall be filed with said board of supervisors, then said petition shall be denied, and no part of such district

Sewer districts adjacent to municipal corporations

Protest

shall be included within any sewer district formed within six months thereafter. If no such protest be filed as herein provided, then at the expiration of the twenty days allowed for such protest it shall be the duty of the said board of supervisors to declare such district a sewer district.

**Tax levy.** SEC. 2. At the time of making each tax levy subsequent to the formation of said district, said board of supervisors must levy such an amount of taxes upon the taxable property of said district as shall by said board be deemed necessary for carrying out the provisions of this act and of the formation of said sewerage district, and said taxes shall be collected in the same manner as state and county taxes are collected; and said board of supervisors must provide in said levy for assessing and collecting a sufficient amount of money thereby to pay to any municipality whose sewers shall be connected with, as hereinafter provided, the amount fixed by the legislative body of said municipality, as charges for said privilege of connecting with said sewerage system, and said amount must be fixed by said legislative body before the first day of March of each year, and notice thereof must be given said board of supervisors.

**Powers of supervisors**

SEC. 3. Said board of supervisors shall have power, after the formation of said sewerage district, to lay out and construct sewers therein, and to provide for making connections with said sewer by property holders and other persons resident within said district, and for the maintenance and extension of said sewerage district as may be in their judgment required, and must compel property holders to connect all buildings therewith.

**Outlet connection**

SEC. 4. Whenever a sewerage district shall be formed, as provided in this act, of territory adjacent to any municipality having a sewerage system, the sewerage system of said sewerage district must be connected with and have its outlet through the sewerage system of said municipality; *provided*, that no connection can be made or maintained with the sewerage system of any municipality without the consent first obtained from and expressed by the legislative body of said municipality; and when connection is made with the sewers of the municipality, said board of supervisors, from the funds collected from the taxes above provided for, shall pay to said municipality annually the sum of money that shall be fixed as charges by the said board of supervisors and said legislative body of said municipality for the privilege of so connecting and maintaining connection with the sewer system thereof, and this amount may vary from year to year as the said board of supervisors and said legislative body of said municipality shall deem reasonable.

**Payment for privilege**

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

[Became a law, under constitutional provision, without Governor's approval, March 8, 1899]

## CHAPTER LXVII.

*An act to amend section twelve hundred and sixty-one of the Political Code.*

[Approved March 9, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and sixty-one is hereby amended to read as follows:

1261. The board must, before it adjourns, inclose in a cover, and seal up and direct to the county clerk, the copy of the register upon which one of the judges marked the word "voted" as the ballots were received, all certificates of registration received by it, one of the lists of the persons challenged, one copy of the list of voters, and one of the tally-lists and list attached thereto. The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place; such copy of the result must be signed by the members of the board, and attested by the clerks. It shall be a misdemeanor for any person to remove or deface such copy of the result.

Election boards, duty of.

Post copy of result.

## CHAPTER LXVIII.

*An act to amend the Penal Code by adding two new sections to title four thereof, relative to crimes against the elective franchise, said sections to be numbered sixty-three and sixty-three and one half, respectively.*

[Approved March 9, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section sixty-three, as follows:

63. Every candidate for United States senator at an approaching session of the legislature, and every person acting for or on behalf of any such candidate for senator in the congress of the United States at an approaching session of the legislature, who shall advance or give or loan, or promise to advance or give or loan, any money or property to any candidate for the legislature, before or after his nomination, or before or after his election, under an express or implied promise that such candidate for the legislature (whether nominated or not, or before or after his election) will support or vote for such candidate for senator in the congress of the United States at an approaching session of the legislature, shall be deemed

United States senator, candidates for, must not give or promise pecuniary aid to legislative candidates.

guilty of a felony. The advancing, giving, or loaning of money or property, or the promise to advance, give, or loan money or property to any candidate for the legislature, by any candidate for senator as aforesaid, or by any person for him, or on his behalf, as aforesaid, shall be deemed prima facie proof of an express or implied agreement that such candidate for the legislature will, if elected to the legislature, vote for such candidate for senator in congress.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered section sixty-three and one half, as follows:

Members  
of legis-  
lature shall  
not accept  
any valu-  
able con-  
sideration.

63½. Every person being a member-elect of the legislature, and every person being a candidate for the legislature, and every person being a candidate for nomination for the legislature, who shall accept any money or property from any candidate for senator in the congress of the United States before the legislature at an approaching session thereof, or from any other person acting for or on behalf of any such candidate for senator in the congress of the United States at an approaching session of the legislature, under an express or implied promise that such member-elect of the legislature, or such candidate for the legislature, or candidate for nomination for the legislature, will, if elected as a member of the legislature, support or vote for any such candidate for senator in the congress of the United States for that office, shall be deemed guilty of a felony. The receipt of money or property by any member-elect of the legislature, and by any candidate for the legislature, and by any candidate for nomination for the legislature, from any candidate before the legislature for senator in congress at an approaching session of the legislature as aforesaid, or from any person acting for or on behalf of any such candidate for senator in congress as aforesaid, shall be prima facie proof of an express or implied agreement that such member-elect of the legislature will vote for such candidate for senator as aforesaid, and that such candidate, or candidate for nomination for the legislature, will, if elected, vote for such candidate for senator as aforesaid.

## CHAPTER LXIX.

*An act to repeal an act entitled "An act to provide for the redemption of the funded indebtedness of the city of Sacramento," approved March 25, 1872; and to repeal an act entitled "An act to amend section six of an act entitled 'An act to provide for the redemption of the funded indebtedness of the city of Sacramento,' approved March 25, 1872," approved March 9, 1887; and to repeal an act entitled "An act to amend sections one, five, seven, eight, ten, and eleven of an act entitled 'An act to provide for the redemption of the funded indebtedness of the city of Sacramento,' approved March 25, 1872," approved March 19, 1889.*

[Approved March 9, 1899]

*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 redemption of the funded indebtedness of the city of Sacramento," approved March twenty-fifth, eighteen hundred and seventy-two, and an act entitled "An act to amend section six of an act entitled 'An act to provide for the redemption of the funded indebtedness of the city of Sacramento,' approved March twenty-fifth, eighteen hundred and seventy-two," approved March ninth, eighteen hundred and eighty-seven; and an act entitled "An act to amend sections one, five, seven, eight, ten, and eleven of an act entitled 'An act to provide for the redemption of the funded indebtedness of the city of Sacramento,' approved March twenty-fifth, eighteen hundred and seventy-two," approved March nineteenth, eighteen hundred and eighty-nine—are each and all hereby repealed; and all acts amendatory thereof and supplementary thereto are each and all hereby repealed.

Funded  
debt of city  
of Sacra-  
mento,  
repeal of  
act.

SEC. 2. This act shall take effect January one, nineteen hundred.

## CHAPTER LXX.

*An act to amend section eleven hundred and forty-two of the Political Code, relating to elections.*

[Approved March 9, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

1142. When an election is ordered, the board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state,

Boards of  
election;  
duties of.

shall appoint for each precinct, from the electors thereof whose names appear upon the last assessment roll of said county, or city and county, two inspectors, two judges, and two clerks; the inspectors, judges, and clerks to be apportioned equally between the two political parties which, respectively, cast the highest and next highest number of votes for governor at the last general election; the inspectors and judges so appointed shall constitute a board of election for such precinct. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the state, within ninety days next preceding any election. No person shall be eligible to act as a member of any election board, or as a clerk upon such board, who cannot read and write the English language. Any person acting as a member of any election board, or as a clerk upon such board, who cannot read and write the English language, and any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the election board or to the board of supervisors, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each one dollar of said fine.

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## CHAPTER LXXI.

*An act to add a new section to the Penal Code, to be designated as section three hundred and fifty-four and three fourths, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.*

[Approved March 9, 1899.]

*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, next after section three hundred and fifty-four and one half, and included in chapter twelve, title nine, part one, and designated as section three hundred and fifty-four and three fourths, to read as follows:

354 $\frac{1}{2}$ . Every person who shall willfully deface, erase, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, impressed; or otherwise attached to, or produced upon any cask, keg, bottle, vessel, siphon, can, case, or other package, for the purpose of selling or trafficking in such cask, keg, bottle, vessel, siphon, can, case, or other package, or refilling such cask, keg, bottle, vessel, siphon, can, case, or other package, with intent to defraud the owner thereof, without the consent of the owner, or unless the same shall have been purchased from the owner, is guilty of a misdemeanor.

Defacement of trademarks

## CHAPTER LXXII.

*An act to amend section fifteen hundred and twenty-four of the Penal Code, relating to the issuing of search warrants.*

[Approved March 9, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and twenty-four of the Penal Code is amended so as to read as follows:

1524. It may be issued upon either of the following grounds:

Search warrants, when may be issued

1. When the property was stolen or embezzled; in which case it may be taken on the warrant from any place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2. When it was used as the means of committing a felony; in which case it may be taken on the warrant from the place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When it is in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered; in which case it may be taken on the warrant from such person, or from any place occupied by him, or under his control, or from the possession of the person to whom he may have so delivered it.

4. When the property is a cask, keg, bottle, vessel, siphon, can, case, or other package, bearing printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon the duly filed trademark or name of the person by whom, or in whose behalf, the search warrant is applied for, in the possession of any person except the owner thereof, with intent to sell or traffic in the same, or refill the same with

intent to defraud the owner thereof, with such intent, and without such owner's consent thereof, or unless the same shall have been purchased from the owner thereof; in which case it may be taken on the warrant from such person, or from any place occupied by him, or under his control, or from the possession of the person to whom he may have delivered it.

### CHAPTER LXXIII.

*An act to amend section one hundred and three of the Code of Civil Procedure of the state of California, relating to justices' courts and justices of the peace.*

[Approved March 10, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Justices  
courts and  
justices of  
the peace

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace shall be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor; *provided*, that in any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provided that two justices' courts may be established in any township, designating the same in such order; and in such case one justice of the peace shall be elected in the manner herein provided for each of such courts. In every city or town of the third and fourth class there shall be one justice of the peace, and in every city or town of the second class there shall be two justices of the peace, to be elected in like manner by the electors of such cities, or towns, respectively; and such justices of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' courts of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town. No person shall be eligible to the office of justice of the peace in any city or town of the first, second, or third class who shall not have been admitted to practice law in a court of record; and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, or town, and county in which he resides, or to have a partner engaged in the practice of law in any justice's

Eligibility.



court in such city, or town, and county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the second or third class shall receive a salary of two thousand dollars per annum, and each justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. All fees which are chargeable by law for services rendered by such city justices of the peace in the cities or towns aforesaid shall be by them, respectively, collected; and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer, of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

Salary.

Fees.

SEC. 2. The provisions of this act shall not apply to cities incorporated under the provisions of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and acts amendatory thereof.

Applicability of act.

SEC. 3. After this act goes into effect, and prior to the next general election thereafter, the supervisors of each county may appoint the justices of the peace in all cities therein where this act establishes justices of the peace where none before existed, such appointee to hold office until the next general state election.

Supervisors may appoint.

SEC. 4. This act shall take effect immediately upon its passage.

## CHAPTER LXXIV.

*An act to amend sections twenty-five hundred and seventy and twenty-five hundred and seventy-one of the Political Code of the state of California, relative to the harbormaster of the port of Eureka, and relative to the salaries of the members of the board of harbor commissioners.*

[Approved March 10, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

2570. The harbormaster of the port of Eureka, which office is hereby created, shall be appointed by the governor of this state on or before the first day of April, eighteen hundred and ninety-nine, and shall hold office for the term of four years from and after the date of his appointment, and until his successor is appointed and has qualified. He must enforce and

Harbor-master of the port of Eureka.

carry into effect such rules and regulations as the board of harbor commissioners may, from time to time, adopt.

SEC. 2. Section twenty-five hundred and seventy-one of the Political Code of the state of California is hereby amended to read as follows:

Salary of  
harbor  
commis-  
sioners

2571. The members of the board of harbor commissioners shall receive a salary of ten dollars per year, to be paid from the treasury of the county of Humboldt, state of California, in the same manner as other claims against said county are paid. All expenses necessarily incurred by the board in the performance of their duties must be paid in the same manner out of said treasury as the members of the board are herein provided to be paid.

SEC. 3. This act shall take effect immediately.

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#### CHAPTER LXXV.

*An act to amend the Penal Code by adding a new section thereto, to be numbered five hundred and forty-three and one half, relating to the unauthorized wearing of badges, buttons, and rosettes of secret societies.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered five hundred and forty-three and one half, to read as follows:

Prohibit-  
ing unau-  
thorized  
wearing of  
society  
badges, etc.

543½. Any person who willfully wears the badge, lapel button, rosette, or other recognized and established insignia of any secret society, order, or organization, or uses the same to obtain aid or assistance within this state, unless entitled to wear or use the same, under the constitution, by-laws, or rules and regulations, or other laws or enactments of such order or society, is guilty of a misdemeanor.

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

[Became a law, under constitutional provision, without Governor's approval, March 11, 1899.]

## CHAPTER LXXVI.

*An act for the protection of horticulture, and to prevent the introduction into this state of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this act.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person, persons, or corporation, who shall receive, bring, or cause to be brought into this state any nursery stock, trees, shrubs, plants, vines, cuttings, grafts, cions, buds, or fruit pits, or fruit, or vegetables, shall, within twenty-four hours after the arrival thereof, notify the state horticultural quarantine officer, or the quarantine guardian of the district or county in which such nursery stock, or fruit, or vegetables are received, of their arrival, and hold the same without unnecessarily moving the same or placing such articles where they may be harmful, for the immediate inspection of such state horticultural quarantine officer or guardian. If there is no quarantine guardian or state horticultural quarantine officer in the county where such nursery stock, or fruit, or vegetables are received, it shall then be the duty of such person, persons, or corporation to notify the state board of horticulture, who shall make immediate arrangements for their inspection. The state horticultural quarantine officer, the quarantine guardian, or such person or persons as shall be commissioned by the state board of horticulture to make such inspection, or to represent said board, are hereby authorized and empowered to enter into any warehouse, depot, or upon any dock, wharf, mole, or any other place where such nursery stock, or fruit, or vegetables, or other described articles are received, for the purpose of making the investigation or examination herein provided for.

Fruit, trees, vines, etc.—Duty of quarantine officers to prevent introduction of diseases, etc

SEC. 2. Each carload, case, box, package, crate, bale, or bundle of trees, shrubs, plants, vines, cuttings, grafts, cions, buds, or fruit pits, or fruit or vegetables imported or brought into this state, shall have plainly and legibly marked thereon in a conspicuous manner and place the name and address of the shipper, owner, or person forwarding or shipping the same, and also the name of the person, firm, or corporation to whom the same is forwarded or shipped, or his or its responsible agent, also the name of the country, state, or territory where the contents were grown.

Legible marks, on imported package, etc.

SEC. 3. When any shipment of trees, shrubs, plants, vines, cuttings, grafts, cions, buds, fruit pits, or fruit, or vegetables imported or brought into this state, is found infested with injurious insects, or their eggs, larvæ, or pupæ, or infected with tree, plant, or fruit disease or diseases, the entire shipment shall be disinfected at the expense of the owner, owners, or agent. After such disinfection, it shall be detained in quar-

Quarantine and disinfection of diseased trees, vines, etc

antine the necessary time to determine the result of such disinfection. If the disinfection has been so performed as to destroy all insects, or their eggs, and so as to eradicate all disease and prevent contagion, and in a manner satisfactory to the state horticultural quarantine officer, the quarantine guardian of the district, or the person commissioned by said board, the trees, vines, vegetables, seeds, or other articles shall then be released.

Destruction of  
infected  
stock

SEC. 4. When any shipment of trees, shrubs, plants, vines, cuttings, grafts, cions, buds, fruit pits, or fruit, or vegetables, imported or brought into this state, is found infested with any species of injurious insects, or their eggs, larvæ, or pupæ, not existing in the orchards, vineyards, gardens, or farms of California, such infested shipments shall be immediately sent out of the state, or destroyed, at the option of the owner, owners, or agent, and at his or their expense.

"Peach  
rosette"  
or "peach  
yellows"

SEC. 5. No person, persons, or corporation shall bring or cause to be brought into the state any peach, nectarine, or apricot trees, or cuttings, grafts, cions, buds, or pits of such trees, or any trees budded or grafted upon peach stock or root that has been in a district where the disease known as "peach yellows" or the contagious disease known as contagious "peach rosette" are known to exist, and any such attempting to land or enter shall be refused entry and shall be destroyed or returned to the point of shipment, at the option of the owner, owners, or agent, and at his or other expense.

Injurious  
animals

SEC. 6. No person, persons, or corporations shall bring, or cause to be brought into this state any injurious animals known as English or Australian wild rabbit, flying-fox, mongoose, or any animal or other animal or animals detrimental to horticultural and agricultural interests.

SEC. 7. Any person, persons, or corporation violating any of the provisions of this act is guilty of a misdemeanor.

SEC. 8. This act shall take effect and be in force from and after its passage.

[Became a law, under constitutional provision, without Governor's approval, March 11, 1890.]

## CHAPTER LXXVII.

*An act to amend the title to an act entitled "An act to provide for the payment of interest on the outstanding bonds of the state of California, held in trust for the university fund and the state school fund; to repeal an act of the legislature of the state of California, approved March 4, 1881, entitled 'An act to appropriate money to reimburse the university of California for money heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other state purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893; to amend section four of the same act, and to appropriate the sum of \$16,747.50, now in the university fund and unavailable.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The title to an act entitled "An act to provide for the payment of interest on the outstanding bonds of the state of California, held in trust for the university fund and the state school fund; to repeal an act of the legislature of the state of California, approved March fourth, eighteen hundred and eighty-one, entitled 'An act to appropriate money to reimburse the university of California for moneys heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other state purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January first to July first, eighteen hundred and ninety-three," approved March third, eighteen hundred and ninety-three, is hereby amended so as to read as follows:

Interest on  
bonds held  
by state  
university.

An act to provide for the payment of interest on the outstanding bonds of the state of California, held in trust for the university fund and the state school fund, and on the sum of seventy-nine thousand seven hundred and fifty dollars, diverted funds belonging to the endowment fund of the university of California; to repeal an act of the legislature of the state of California, approved March fourth, eighteen hundred and eighty-one, entitled "An act to appropriate money to reimburse the university of California for moneys heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other state purposes," and making an appropriation to pay the interest on said outstanding bonds from January first to July first, eighteen hundred and ninety-three.

SEC. 2. Section four of the same act is hereby amended so as to read as follows:

Section 4. For the payment of the interest on said outstanding bonds so held in trust, and on said diverted funds, as herein provided, there shall be levied annually, by the state

Tax levy  
for pay-  
ment of  
interest on  
bonds held  
by uni-  
versity

board of equalization, such rate of tax on each one hundred dollars of the assessed value of the real and personal property in the state, to be computed by the controller of state, on the basis of the assessed value of such property for the preceding year, as shall produce annually the interest on such bonds and diverted funds provided to be paid in section one, two, and three of this act. The state board of equalization shall certify the rate of tax thus computed to the several county auditors, and the said auditors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other state taxes. Every tax levied under the provision or authority of this act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March of each year, and shall not be satisfied or removed until such tax has been paid or the property sold in satisfaction thereof. All moneys derived from taxes authorized by the provisions of this section shall be paid into the state treasury to the credit of the interest and the sinking fund, and shall be applied to the payment of the interest as herein provided for; *provided*, that all the moneys remaining in the state treasury to the credit of said interest and sinking fund on the fifteenth day of July of each year, after the interest on such bonds so held in trust, and on said diverted funds, has been paid, shall be transferred by the treasurer of state, on the order of the controller of state, to the general fund.

Appropriation.

SEC. 3. The sum of sixteen thousand seven hundred and forty-seven dollars and fifty cents, now in the university fund and unavailable, is hereby appropriated to the uses of the university of California.

SEC. 4. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 11, 1880.]

## CHAPTER LXXVIII.

*An act to amend section eighteen hundred and eighty of the Political Code of the state of California, relating to the issue of bonds of school districts.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Issue of bonds by school districts.

1880. The board of trustees, board of education, or other governing bodies of any school district may, when in their judgment it is advisable, and must, upon a petition of a majority of the heads of families residing in the district, call an election and submit to the electors of the district, whether the bonds of such district shall be issued and sold for the pur-

pose of raising money for purchasing school lots, for building or purchasing one or more school-houses, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes, for liquidating any indebtedness already incurred for said purposes, and for refunding any outstanding valid indebtedness, evidenced by bonds, or warrants thereof.

[Became a law, under constitutional provision, without Governor's approval, March 11, 1899 ]

## CHAPTER LXXIX.

*An act to amend the Civil Code of the state of California by adding a new section thereto, to be known and numbered as section three hundred and sixty-four thereof, relating to corporations.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code of the state of California, to be known and numbered as section three hundred and sixty-four, to read as follows:

364. Any corporation of this state owning grants, concessions, franchises, and properties, or any thereof, in any foreign country, may sell and convey the same to the government of such foreign country, or to any person or persons, or any corporation or corporations, or association or associations, created by or existing under the laws of this or any other state or the United States, or any foreign government; *provided, however,* that the powers hereby granted shall only be exercised by a majority of the entire board of directors of such corporation of this state, with the concurrence in writing of the holders of two thirds in amount of the capital stock thereof.

Corporations may transfer foreign concessions.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 13, 1899 ]

## CHAPTER LXXX.

*An act to amend section thirty-six hundred and eight of the Political Code of the state of California, relating to the general revenue of the state, and to property liable to taxation for the purpose of revenue; and to add new sections, to be known as sections number thirty-six hundred and nine and thirty-six hundred and ten, also relating to the general revenue of the state, and to property liable to taxation for the purpose of revenue.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Shares of  
stock; val-  
uation of.

3608. Shares of stock in corporations possess no intrinsic value over and above the actual value of the property of the corporation which they stand for and represent; and the assessment and taxation of such shares, and also all the corporate property, would be double taxation. Therefore, all property belonging to corporations, save and except the property of national banking associations not assessable by federal statute, shall be assessed and taxed. But no assessment shall be made of shares of stock in any corporation, save and except in national banking associations, whose property, other than real estate, is exempt from assessment by federal statute.

SEC. 2. A new section is hereby added to the Political Code of the state of California, to be known as section thirty-six hundred and nine thereof, to read as follows:

National  
bank stock  
to be  
assessed.

3609. The stockholders in every national banking association doing business in this state, and having its principal place of business located in this state, shall be assessed and taxed on the value of their shares of stock therein; and said shares shall be valued and assessed as is other property for taxation, and shall be included in the valuation of the personal property of such stockholders in the assessment of the taxes at the place, city, town, and county where such national banking association is located, and not elsewhere, whether the said stockholders reside in said place, city, town, or county, or not; but in the assessment of such shares, each stockholder shall be allowed all the deductions permitted by law to the holders of moneyed capital in the form of solvent credits, in the same manner as such deductions are allowed by the provision of paragraph six of section thirty-six hundred and twenty-nine of the Political Code of the state of California. In making such assessment to each stockholder, there shall be deducted from the value of his shares of stock such sum as is in the same proportion to such value as the total value of its real estate and property exempt by law from taxation bears to the whole value of all the shares of capital stock in said

Deduc-  
tions.



national bank. And nothing herein shall be construed to exempt the real estate of such national bank from taxation. And the assessment and taxation of such shares of stock in said national banking associations shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this state.

SEC. 3. A new section is hereby added to the Political Code of the state of California, to be known as section thirty-six hundred and ten thereof, to read as follows:

3610. The assessor charged by law with the assessment of said shares shall, within ten days after he has made such assessment, give written notice to each national banking association of such assessment of the shares of its respective shareholders; and no personal or other notice to such shareholders of such assessment shall be necessary for the purpose of this act. And in case the tax on any such stock is unsecured by real estate owned by the holder of such stock, then the bank in which said stock is held shall become liable therefor; and the assessor shall collect the same from said bank, which may then charge the amount of the tax so collected to the account of the stockholder owning such stock, and shall have a lien, prior to all other liens, on his said stock, and the dividends and earnings thereof, for the reimbursement to it of such taxes so paid.

Assessor's  
duty in as-  
sessment  
of national  
bank stock.

SEC. 4. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 14, 1899.]

## CHAPTER LXXXI.

*An act to amend the Penal Code by adding a section thereto to be numbered six hundred and twenty-three and one half, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution.*

*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 of the state of California, to read as follows:

623½. Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such article or other property may be kept, is guilty of a misdemeanor and shall be punished accordingly.

Willful de-  
tention of  
library  
books.

[Became a law, under constitutional provision, without Governor's approval, March 14, 1899.]

## CHAPTER LXXXII.

*An act to change and permanently locate the boundary line between the counties of Shasta and Lassen.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Boundary  
line be-  
tween  
Shasta and  
Lassen  
counties.

SECTION 1. The boundary line between the counties of Shasta and Lassen is hereby established and permanently located, as follows: Beginning at the quarter section corner to sections eight and nine, in township thirty north, range six east, Mount Diablo base and meridian, and running thence north one and one half miles, to line dividing townships thirty and thirty-one at corner common to sections four and five, in township thirty north, range six east; thence east on township line to corner common to sections thirty-two and thirty-three, in township thirty-one north, range six east; thence north twenty-eight miles, to seventh standard parallel north, Mount Diablo base, at corner common to sections eight and nine, in township thirty-five north, range six east; thence west along said standard line to southwest corner of township thirty-six north, range six east; thence north to intersection with south boundary line of Modoc county, at a point seven and one half chains north of the corner common to sections twenty-five and thirty-six, on east line of township thirty-nine north, range five east; Mount Diablo base and meridian.

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.

[Became a law, under constitutional provision, without Governor's approval, March 14, 1899.]

## CHAPTER LXXXIII.

*An act to amend section seven hundred and ninety-eight of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of boards of education of cities of the fifth class.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and ninety-eight 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:

798. The board of education shall have power:

First—To establish and maintain public, primary, kindergarten, grammar, and evening schools, and to subdivide the school districts, and to fix and alter the boundaries of such subdivisions. Boards of education in cities of the fifth class, powers of.

Second—To employ and dismiss a superintendent of schools, teachers, janitors, truant officers, and school census marshals, and to fix, alter, allow, and order paid their salaries or compensation; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.

Third—To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this state, for the government and management of public schools within such city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

Fourth—To provide for the school department of such city, fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said board.

Fifth—To build, alter, repair, rent and provide school-houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

Sixth—To purchase, receive, lease, and hold in fee, in trust for such city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of such city; *provided*, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school-houses, without the approval of the board of trustees; *and provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots for the erection of school-houses.

Seventh—To grade, fence, and improve all school lots.

Eighth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the board of education shall, at least ten days before the meeting of the board of trustees at which the annual city taxes are levied, submit in writing to the board of trustees a careful estimate of the whole amount of money to be received from the state and county, and of the amount to be required from such city for the above-mentioned purposes; and the amount so found to be required from the city shall, by the board of trustees, be added to the above amounts to be assessed and collected for city purposes, and when collected the proceeds thereof shall be immediately paid into the school fund of such city, to be drawn out only upon the order of the board of education; *provided*, that such annual tax shall not exceed twenty-five cents on each one hundred

Boards of  
education  
in cities of  
the fifth  
class,  
powers of.

dollars of the assessed valuation of the real and personal property within such city.

Ninth—To establish regulations for the just and equal disbursement of all moneys belonging to the school fund.

Tenth—To discharge all legal incumbrances existing at the time of the incorporation of such city, or thereafter, on any school property within such city.

Eleventh—To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of such city, upon the payment, monthly, in advance, of such tuition fee as said board may establish.

Twelfth—To prohibit any children under six years of age from attending the public schools.

Thirteenth—To establish and regulate the grades of schools in such city, and the course of study, and the mode of instruction to be pursued therein, and to determine what text-books shall be used.

Fourteenth—To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 14, 1899.]

## CHAPTER LXXXIV.

*An act to amend section eight hundred and forty-four of the Code of Civil Procedure.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Summons  
in civil  
action  
must con-  
tain what.

§44. The summons must be directed to the defendant, signed by the justice, and must contain:

1. The title of the court, name of the county, city and county, or township in which the action is brought, and the names of the parties thereto;

2. A direction that the defendant appear and answer before the justice, at his office, as specified in section eight hundred and forty-five of this code;

3. A notice that unless the defendant so appear and answer, 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 the relief demanded in the complaint. If the plaintiff appears by attorney, the name of the attorney must be indorsed upon the summons.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 14, 1899.]

## CHAPTER LXXXV.

*An act to amend an act entitled "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 its 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 its proceeds, approved March twenty-third, eighteen hundred and ninety-three," approved March ninth, eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Section 1. 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, 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 or hereafter 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

Tax upon  
collateral  
inherit-  
ances.

and all such taxes 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.

Exemptions.

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.

[Became a law, under constitutional provision, without Governor's approval, March 14, 1899.]

## CHAPTER LXXXVI.

*An act to abolish commissions or fees paid by the state for the assessment, equalization, auditing, and collection of ad valorem taxes.*

[Approved March 14, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Fees for collection of ad valorem taxes abolished.

SECTION 1. All commissions or fees paid by the state to the officers of any county, or city and county, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes, are hereby abolished; *provided*, that this shall not affect the commissions paid to the assessor of the several counties for services rendered in the collection of personal property taxes, as provided by chapter eight of the Political Code, or the mileage allowed to the treasurer of the several counties, or cities and counties, in making settlements with the state, as provided by section three thousand eight hundred and seventy-six of the Political Code.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

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

## CHAPTER LXXXVII.

*An act to add a new section to the Penal Code, to be distinguished as section three hundred and fifty-four and one half, making it a misdemeanor to sell or traffic in or refill any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.*

[Approved March 14, 1899.]

*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 next after section three hundred and fifty-four and included in chapter twelve, title nine, part one, and designated as section three hundred and fifty-four and one half, to read as follows:

354½. Every person who willfully sells, or traffics in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon, or refills any such cask, keg, bottle, vessel, siphon, can, case, or other package with intent to defraud the owner thereof, without the consent of the owner thereof, or unless the same shall have been purchased from the owner thereof, is guilty of a misdemeanor.

Unlawful  
use of  
trade-  
marks.

## CHAPTER LXXXVIII.

*An act authorizing and directing district attorneys to bring suits to abate public nuisances.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The district attorney of any county of this state in which a public nuisance may now or hereafter shall exist, may, and when directed by the board of supervisors of the county shall, bring a civil action in the name of the people of the state to abate said nuisance.

Nuisances,  
abatement  
of.

SEC. 2. All acts or parts of acts in conflict with this are hereby repealed.

SEC. 3. This act shall take effect and be in force immediately after its passage.

[Became a law, under constitutional provision, without Governor's approval, March 15, 1899.]

## CHAPTER LXXXIX.

*An act making an appropriation for improving, enlarging, and equipping the state fish hatcheries at Sisson and Price creek.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation for fish hatcheries at Sisson and Price creek.

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for improving, enlarging, and equipping the state fish hatcheries located at Sisson, Siskiyou county, and at Price creek, in Humboldt county, and to be allowed as follows: For improving, enlarging, and equipping the state fish hatchery at Sisson, two thousand dollars; for improving, enlarging, and equipping the state fish hatchery at Price creek, one thousand five hundred dollars.

SEC. 2. The claims for the improvement, enlargement, and equipment of said hatcheries shall be presented to, and allowed by the board of examiners.

SEC. 3. The controller of the state is hereby authorized to draw his warrant for the amounts herein specified, in favor of the board of fish commissioners, and the treasurer of the state is directed to pay the same.

SEC. 4. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 16, 1899.]

## CHAPTER XC.

*An act to amend section one thousand seven hundred and two of the Code of Civil Procedure of the state of California, relating to the appointment of trustees.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Trustee under a will may decline.

1702. Any person named or designated as a trustee in any will which has been or shall hereafter be admitted to probate in this state may, at any time before final distribution, decline to act as such trustee, and an order of court shall thereupon be made accepting such resignation; but the declination of any such person who has qualified as executor shall not be accepted by the court, unless the same shall be in writing and filed in the matter of the estate in the court in which the administration is pending, and such notice shall be given thereof as is required upon a petition praying for letters of administration. The court in which the administration is pending shall

Executor, resignation of.



have power at any time before final distribution to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from such declination, removal, or otherwise; *provided*, it shall be required by law or necessary to carry out the trust created by the will, that such vacancy shall be filled; and every person so appointed shall, before acting as trustee, give a bond such as is required by section one thousand three hundred and eighty-eight of this code, of a person to whom letters of administration are directed to issue. Such appointment may be made by the probate judge upon the written application of any person interested in the trust filed in the probate proceedings, and shall only be made after notice to all parties interested in the trust, given in the same manner as notice is required to be given of the hearing upon the petition for the probate of a will. In each of the preceding cases the court may order such further notice as shall seem necessary. In accepting a declination under the provisions of this section, the court may make and enforce any order which may be necessary for the preservation of the estate. This section shall be applicable to any and all estates now pending in which a final distribution and discharge has not been granted.

Appoint-  
ment of  
trustee or  
executor  
by court.

SEC. 2. This act shall take effect immediately.

[Became a law, under constitutional provision, without Governor's approval, March 16, 1899.]

## CHAPTER XCI.

*An act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any city or town hereafter raises, or has heretofore voted to raise, any sum of money for a specific public improvement, and after such improvement has been fully completed and paid for, a residue remains, for the disposition of which there is now no provision of law, such residue shall be paid into the general fund of such city or town and form part thereof.

Disposal of  
residue  
after com-  
pletion of  
specific  
public  
work.

[Became a law, under constitutional provision, without Governor's approval, March 16, 1899.]

## CHAPTER XCII.

*An act to amend section one of "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)," and to add two new sections thereto.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of "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 twenty-fifth, eighteen hundred and ninety-seven, is hereby amended to read as follows:

State agricultural societies may sell real estate; manner of procedure.

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 commissioner to execute a deed to the purchaser. The deed executed 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

State agricultural societies may sell real estate; manner of procedure.

State agricultural societies may sell real estate; manner of procedure.

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, all or such part of such surplus as may be required for the purchase of other property; *provided, however*, that if all or any portion of the real estate and the improvements thereon held by any state agricultural society under state control, shall have been acquired in the name of such society, or of any person, association, or corporation, in trust for the use of said, or any other agricultural society, originally, or at any time, by the use of money derived from taxation of the taxable property of any city and county, county, or city, then, and in that event, the surplus proceeds of any sale of such property shall be invested in other real estate within the same county, or city and county, for the same purpose, and not otherwise, or elsewhere. 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 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. "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 twenty-fifth,

eighteen hundred and ninety-seven, is hereby amended by adding thereto another section, to be known as section two, to read as follows:

Section 2. If any real estate contemplated in the preceding section, purchased by the proceeds of taxes levied upon and collected from the taxable property of any city and county, county, or city, shall have been ordered sold, as in said section provided, and shall have been offered for sale in the mode therein specified, for a period of sixty days or more, and not all sold for want of an adequate price, the board of directors, or governing body of such society or association, shall be and they are hereby authorized and empowered to exchange all or any part of such real estate for other land suitable for the use of such society, or association, within the same county, or city and county, upon such terms as may be reasonable and just, and the deed or deeds executed for the conveyance of such real estate in exchange shall be executed by the board of directors of such society or association, or a majority thereof, and by the commissioner appointed in the proceedings provided for in the preceding section for the sale of such property, and such exchange of property shall be subject to, and with the approval of a judge of the superior court of the county, or city and county, in which the proceedings provided for were had.

Exchange of real estate by state agricultural societies.

SEC. 3. "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 twenty-fifth, eighteen hundred and ninety-seven), is hereby amended by adding thereto another section, to be known as section three, to read as follows:

Section 3. In case of the exchange of any portion of such property, as provided for in section two hereof, the real estate received in such exchange shall be subject to the indemnification of any person who shall receive any of the said real estate of said agricultural society in such exchange in case of any defect in the proceedings, or otherwise, whereby the title to such real estate of such society should not pass, and in such case of exchange the state of California shall be absolved from any obligation to pay any part of any purchase price or value of exchanged property; *provided further*, that no claims for failure of title for any reason shall be entertained after five years from the date of such exchange.

Same.

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

[Became a law, under constitutional provision, without Governor's approval, March 16, 1899.]

## CHAPTER XCIII.

*An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers, and directing the disposition of the same.*

[Approved March 17, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Moneys belonging to the state to be paid into the treasury.

Exceptions.

SECTION 1. All moneys belonging to the state, received from any source whatever, by any commission or commissioner, by the board of trustees, board of managers, board of directors, or executive officer, as the case may be, of any state hospital, asylum, prison, school, or harbor, supported by or under the control of the state, shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time, on the order of the controller, be paid into the state treasury, and credited to a fund to be known as the contingent fund of the particular institution from which such moneys are received, and the same shall be expended under the same laws and provisions as now govern the expenditure of moneys appropriated for the support of such institutions; *provided*, that all moneys collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected, except so much thereof as may be necessary to pay the expense of urgent repairs, not to exceed in the aggregate six thousand dollars per month, which sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the waterfront under the jurisdiction of the board, without advertising for proposals therefor; *provided further*, that in every case where the law directs the board of trustees, managers or directors, or officer, to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school, or other institution, or to provide a discharged inmate with any sum of money, or with wearing apparel, said amount shall be paid by the board of trustees, managers or directors, or officer, upon demand; and in the statement to the controller, herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury.

SEC. 2. Immediately upon the passage of this act, any moneys belonging to the state now in the hands of the boards of trustees, managers, or directors of the institutions mentioned herein, or of any treasurer or secretary thereof, shall be accounted for to the controller and paid into the state treasury, to be credited and disposed of in the manner hereinafter indicated.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect immediately.

## CHAPTER XCIV.

*An act to amend "An act in relation to foreign corporations," approved April 1, 1872:*

[Approved March 17, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1) of "An act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two, is hereby amended to read as follows:

Section 1. Every corporation heretofore created by the laws of any other state or foreign country, and doing business in this state, shall within ninety days after the passage of this act, and any corporation hereafter created by the laws of any other state or foreign country and doing business in this state, within forty days from the time of commencing to do business in this state, designate some person residing in this state, upon whom process issued by authority by or under any law of this state may be served, and within the time aforesaid shall file such designation in the office of the secretary of state, and a copy of such designation duly certified to by the secretary of state shall be sufficient evidence of such appointment and of the due incorporation of such corporation, and it shall be lawful to serve on such person so designated, or in event that no such person is so designated, then on the secretary of state, any process issued as aforesaid. Such service shall be made on such person so designated or the secretary of state, in such manner as shall be prescribed in case of service required to be made on foreign corporations, and such service shall be deemed a valid service thereof on such corporation.

Foreign corporations, service of process upon.

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

Section 2. Every corporation created by the laws of any other state or foreign country which shall fail to comply with the provisions of section one of this act shall be denied the benefit of the laws of this state limiting the time for the commencement of civil actions, and shall not maintain or defend any action or proceeding in any court of this state until such corporation shall have complied with the provisions of section one of this act; and in any action or proceeding instituted against a body styled as a corporation and created by the laws of any other state or foreign country, evidence that such body has acted as a corporation or employed methods usually employed by corporations, shall be received by the court in such action or proceeding for the purpose of proving the existence of such corporation; the sufficiency of such evidence shall be determined by the court before whom such action or proceeding is pending with like effect as in other cases; *provided, nevertheless*, that any corporation which shall have

Penalty for failure to designate person upon whom process may be served.

complied with the requirements of section one of the act of which this is amendatory, shall not be required to make or file any further designation of the person upon whom process may be served, but such former designation shall be deemed and taken to be a full compliance with the requirements of this act; *provided further, however*, that if any such corporation shall withdraw such designation heretofore made, or if the person designated shall die, or remove from the state, then, and in that case, such corporation shall, within forty days after such withdrawal, make a new designation, or be subject to the provisions and penalties of this act.

SEC. 3. Section three of said act is hereby amended to read as follows:

Additional  
benefits.

Section 3. Every corporation created by the laws of any other state or foreign country which shall comply with the provisions of section one of this act shall be entitled to the benefit of the laws of this state limiting the time for the commencement of civil actions.

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

#### CHAPTER XCV.

*An act making appropriation for the support of the government of the state of California, for the fifty-first and fifty-second fiscal years.*

[Approved March 17, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

General  
appropriations.

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 fifty-first and fifty-second fiscal years:

Legisla-  
ture.

For per diem and mileage of lieutenant-governor and senators, twenty-one thousand five hundred dollars.

For per diem and mileage of assemblymen, forty-two thousand dollars.

For pay of officers and clerks of the senate, twenty-one thousand dollars.

For pay of officers and clerks of the assembly, twenty-eight thousand five hundred dollars.

For contingent expenses of the senate, eleven thousand dollars.

For contingent expenses of the assembly, fifteen thousand dollars.

Supreme  
court.

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 eighteen thousand five hundred 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. Supreme court.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerk of supreme court, three thousand five hundred dollars.

For salary of reporter of decisions, supreme court, five thousand dollars.

For salary of deputy reporter of decisions, supreme court, four thousand eight hundred dollars.

For salaries of secretaries, supreme court, seven thousand two hundred dollars.

For salaries of bailiffs, and performing the work of porters, supreme court, six thousand dollars.

For pay of porter for office, clerk of supreme court, nine hundred and sixty dollars.

For postage and contingent expenses, supreme court, two hundred and fifty dollars.

For postage and contingent expenses, clerk of supreme court, two thousand two hundred dollars.

For expenses of supreme court, under section forty-seven, Code of Civil Procedure, thirty-five thousand eight hundred dollars.

For salary of phonographic reporter, supreme court, ten thousand eight hundred dollars.

For salary of librarian, supreme court library, three thousand dollars.

For postage and contingent expenses, supreme court commissioners, one hundred dollars.

For salary of governor, twelve thousand dollars.

Executive office.

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, exempt from provisions of sections four hundred and thirty-three and six hundred and seventy-two of the Political Code, ten thousand dollars.

For postage, expressage, telegraphing, traveling, and contingent expenses governor's office, four thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the 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, one thousand dollars.

For payment of rewards for arrest and conviction of high-way robbers, two thousand five hundred dollars.

For arresting criminals without the state, five thousand dollars.

State board  
of exam-  
iners.

For salary of secretary to state board of examiners, six thousand dollars.

For salary of assistant secretary to state board of examiners, three thousand six hundred dollars.

For salary of clerk to state board of examiners, three thousand two hundred dollars.

For salary of expert to state board of examiners, four thousand dollars.

For traveling expenses of state board of examiners, and expert to state board of examiners, one thousand dollars.

For postage, expressage, telegraphing, and contingent expenses state board of examiners, six hundred dollars.

For expert and clerical assistance in office, state board of examiners, three thousand six hundred dollars.

For pay of porter, state board of examiners, nine hundred and sixty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of examiners, nine hundred and twelve dollars and fifty cents.

Secretary  
of state.

For salary of secretary of state, six thousand dollars.

For salary of deputy secretary of state, four thousand eight hundred dollars.

For salary of bookkeeper, 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 of the Political Code, to be expended during the fifty-second 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, three thousand dollars.

For contingent and traveling expenses, secretary of state's office, five hundred dollars.

For purchase of ballot paper, secretary of state's office, seven thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, nine thousand dollars.

Printing  
constitu-  
tional  
amend-  
ments.

For printing, binding, ruling, and all other work performed and material furnished by the state printing office to the secretary of state, one thousand two hundred dollars, to be used for the printing of constitutional amendments.

For stationery, fuel, lighting, and other necessary supplies for the legislature and state officers, twenty thousand dollars. Stationery  
state officers,  
etc.

For purchase of implements and hose, and care and improvement of grounds, exempt from the provisions of section four of this act, ten thousand dollars. Capitol  
building  
and  
grounds.

For repairs to capitol building and furniture, exempt from the provisions of section four of this act, seven thousand dollars.

For purchase of carpets and furniture, exempt from the provisions of 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.

For salaries of policemen, capitol grounds, seven thousand two hundred dollars.

For salary of elevator attendant, capitol building, one thousand eight hundred dollars.

For lighting state capitol grounds, one thousand seven hundred and twenty-eight dollars.

For water for state capitol building, one thousand two hundred dollars.

For water for state capitol grounds, two thousand four hundred dollars.

For salary of controller, six thousand dollars. State con-  
troller.

For salary of deputy controller, four thousand eight hundred dollars.

For salary of bookkeeper, controller's office, four thousand dollars.

For salaries of clerks, controller's office, twenty thousand dollars.

For pay of porter, controller's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, controller's office, one thousand two hundred dollars.

For contingent and traveling expenses, controller, one thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the controller, three thousand five hundred dollars.

For salary of treasurer, six thousand dollars. State treas-  
urer.

For salary of deputy treasurer, four thousand eight hundred dollars.

For salary of bookkeeper, treasurer's office, four thousand dollars.

For salary of clerk, treasurer's office, three thousand two hundred dollars.

For salaries of watchmen, treasurer's office, seven thousand two hundred dollars.

For pay of porter, treasurer's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing, traveling, and contingent expenses, treasurer, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to treasurer, seven 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, 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 eight 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, in San Francisco, attorney-general, two thousand four hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the attorney-general, four thousand dollars.

Surveyor-  
general.

For salary of surveyor-general, six thousand dollars.

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 and records, surveyor-general's office, three thousand dollars.

For traveling expenses of surveyor-general and attorney-general, when engaged in contest between the state and the United States, and other state business, in relation to lands, one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the surveyor-general, seven hundred dollars.

Superin-  
tendent of  
public in-  
struction.

For salary of superintendent of public instruction, six thousand dollars.

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, one thousand six hundred dollars.

For contingent and traveling expenses (including traveling expenses under section fifteen hundred and thirty-two, Political Code), three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the superintendent of public instruction, ten thousand dollars.

For salary of state librarian, six thousand dollars.

For salaries of two deputies, state librarian, seven thousand two hundred dollars. State  
library.

For pay of porter, state library, nine hundred and sixty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state library, five thousand five hundred and fifty dollars.

For salary of adjutant-general, six thousand dollars.

For salary of assistant adjutant-general, four thousand eight hundred dollars. Adjutant-  
general.

For salary of clerk, adjutant-general's office, three thousand two hundred dollars.

For salary of clerk and porter, adjutant-general's office, two thousand four hundred dollars.

For postage, expressage, and telegraphing, adjutant-general's office, seven 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.

For armory rents and other expenses of the national guard, one hundred and eighty-six thousand dollars.

For purchase of uniforms, overcoats, and quartermaster stores, for the national guard, exempt from the provisions of section four of this act, fifty thousand dollars.

For allowance division headquarters, national guard, two thousand four hundred dollars.

For allowance for brigade headquarters, national guard, six thousand seven hundred and twenty dollars.

For allowance for regimental headquarters, and bands, thirteen thousand one hundred and four dollars.

For furnishing coal and other supplies for the training ship to the naval battalion, five thousand dollars; three thousand dollars of which sum shall be for the ship Marion, and the sum of two thousand dollars for the ship Pinto.

For traveling expenses of officers on detail duty, national guard, four thousand dollars.

For target practice and purchase of medals, national guard, eight thousand dollars.

For hospital supplies, national guard, three thousand dollars.

For encampment, national guard, exempt from the provisions of section four of this act, thirty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to adjutant-general, three thousand one hundred and fifty dollars.

Superintendent of state printing.

For salary of superintendent of state printing, six thousand dollars.

For salary of deputy superintendent of state printing, four thousand eight hundred dollars.

For lithographing, engraving, half-tone plates, zincotypes, and work of like character, state printing office, five thousand dollars.

For postage, expressage, telegraphing, and contingent expenses, superintendent of state printing, one thousand dollars.

For insuring state printing office and contents, two thousand six hundred dollars.

For legislative printing, thirty-fourth session, five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state printer, seven hundred dollars.

State board of health.

For salary of secretary, state board of health, five thousand dollars.

For salary of attorney to state and San Francisco boards of health, six thousand dollars.

For traveling and contingent expenses, state board of health, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of health, two thousand one hundred dollars.

Insurance commissioner.

For salary of insurance commissioner, six thousand dollars.

For salary of deputy insurance commissioner, three thousand six hundred dollars.

Traveling and contingent expenses of the insurance commissioner, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the insurance commissioner, one thousand five hundred dollars.

Bank commissioners.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the bank commissioners, four thousand dollars.

State board of harbor commissioners.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of harbor commissioners, three thousand five hundred dollars.

Railroad commissioners.

For salaries of railroad commissioners, twenty-four thousand dollars.

For salary of secretary to board of railroad commissioners, four thousand eight hundred dollars.

For salary of bailiff to board of railroad commissioners, two thousand four hundred dollars.

For salary of stenographer to board of railroad commissioners, one thousand dollars.

For fuel, lights, postage, expressage, and incidental expenses, board of railroad commissioners, one thousand five hundred dollars.

For traveling expenses, board of railroad commissioners, one thousand dollars.

For office rent, board of railroad commissioners, one thousand two hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to board of railroad commissioners, four thousand two hundred dollars.

For salaries of members of the state board of equalization, twenty-four thousand dollars. Board of equalization.

For salary of clerk, state board of equalization, four thousand eight hundred dollars.

For 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 printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of equalization, one thousand and fifty dollars.

For salary of commissioner of public works, twenty months, five thousand dollars. Commissioner of public works.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to commissioner of public works, five hundred and sixty dollars.

For salaries of commissioners for revision and reform of the law, twenty-four thousand dollars. Code commission.

Salary of secretary to commissioners for revision and reform of the law, four thousand eight hundred dollars.

For salary of stenographer to commissioners for revision and reform of the law, two thousand four hundred dollars.

Pay of porter to commissioners for revision and reform of the law, four hundred and eighty dollars.

For postage, expressage, telegraphing, and contingent expenses, commissioners for revision and reform of the law, five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to commissioners for revision and reform of the law, five thousand dollars.

For traveling and other expenses, commissioners for the promotion of uniformity of legislation in the United States, one thousand dollars. Legislative commission.

For salary of guardian, Yosemite valley, three thousand dollars. Yosemite valley.

For traveling expenses, Yosemite valley commissioners, three thousand dollars.

For care of Yosemite valley, twenty thousand dollars.

For care of Mariposa big tree grove, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Yosemite valley commissioners, one hundred and seventy-five dollars.

Débris  
commis-  
sioner.

For salary of débris commissioner, seven thousand two hundred dollars.

For salary of secretary of débris commissioner, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to débris commissioner, one hundred and forty dollars.

Stockton  
state hos-  
pital.

For support of Stockton state hospital, two hundred and four thousand dollars.

For salaries of officers and employés, Stockton state hospital, one hundred and ninety-six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Stockton state hospital, seven hundred dollars.

Napa state  
hospital.

For support of Napa state hospital, two hundred and eight thousand five hundred dollars.

For salaries of officers and employés, Napa state hospital, one hundred and ninety thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Napa state hospital, seven hundred dollars.

Agnews  
state hos-  
pital.

For support Agnews state hospital, one hundred and fifty-two thousand dollars.

For salaries of officers and employés, Agnews state hospital, one hundred and thirty-one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Agnews state hospital, seven hundred dollars.

Mendocino  
state hos-  
pital.

For support Mendocino state hospital, one hundred and seven thousand dollars.

For salaries of officers and employés, Mendocino state hospital, seventy-eight thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Mendocino state hospital, four hundred and ninety dollars.

Southern  
California  
state hos-  
pital.

For support Southern California state hospital, one hundred and thirty thousand dollars.

For salaries of officers and employés, Southern California state hospital, ninety-three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the Southern California state hospital, five hundred dollars.

Institution  
for deaf,  
dumb, and  
blind.

For support of institution for the deaf, dumb, and blind at Berkeley, thirty-nine thousand eight hundred dollars.

For salaries of officers and employés, institution for deaf, dumb, and blind at Berkeley, seventy-nine thousand five hundred dollars.

For printing, binding, ruling, and all other work performed



and materials furnished by the state printing office to institution for deaf, dumb, and blind at Berkeley, two hundred and eighty dollars.

For support of California home for care and training of feeble-minded children at Eldridge, one hundred and nineteen thousand dollars. Home for feeble-minded children.

For salary of officers and employes, California home for care and training of feeble-minded children at Eldridge, eighty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to California home for care and training of feeble-minded children, seven hundred dollars.

For support of home for adult blind at Oakland, twenty-five thousand dollars. Home for adult blind.

For salaries of officers and employes, home for adult blind at Oakland, twenty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to home for adult blind, three hundred and fifty dollars.

For transportation of insane, and of feeble-minded children, fifty thousand dollars. Transportation of insane.

For support of state prison at San Quentin, two hundred thousand dollars. San Quentin prison.

For salaries of officers and employes, state prison at San Quentin, one hundred and twenty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state prison at San Quentin, one thousand four hundred dollars.

For support of state prison at Folsom, one hundred and thirty-five thousand dollars. Folsom prison.

For salaries of officers and employes, state prison at Folsom, ninety-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state prison at Folsom, one thousand four hundred dollars.

For transportation of prisoners to state prisons, and of children committed to the Whittier state school and to the Preston school of industry, sixty-two thousand dollars. Transportation of prisoners.

For support of Whittier state school, twenty-nine thousand dollars. Whittier state school.

For salaries of officers and employes, Whittier state school, ninety-one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Whittier state school, four hundred dollars.

For support of Preston school of industry, forty-five thousand dollars. Preston school of industry.

For salaries of officers and employes, Preston school of industry, forty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Preston school of industry, four hundred dollars.

San José  
normal  
school.

For support of state normal school at San José, eight thousand dollars.

For salaries of officers, teachers, and employées, state normal school at San José, ninety-four thousand dollars.

For library, museum, and purchase of scientific apparatus, state normal school at San José, two thousand dollars.

For care and improvement of grounds, state normal school at San José, four thousand dollars.

For painting and repairing normal school building at San José, one thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at San José, one thousand four hundred dollars.

Los Angeles  
normal  
school.

For support of state normal school at Los Angeles, eight thousand dollars.

For salaries of officers, teachers, and employées, state normal school at Los Angeles, ninety-four thousand dollars.

For library, museum, and purchase of scientific apparatus, state normal school at Los Angeles, two thousand dollars.

For care and improvement of grounds, state normal school at Los Angeles, two thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at Los Angeles, eight hundred and forty dollars.

Chico  
normal  
school.

For support of state normal school at Chico, four thousand dollars.

For salaries of officers, teachers, and employées, state normal school at Chico, fifty-six thousand dollars.

For library, museum, and purchase of scientific apparatus, state normal school at Chico, one thousand dollars.

For care and improvement of grounds, state normal school at Chico, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at Chico, five hundred and sixty dollars.

San Diego  
normal  
school

For support of state normal school at San Diego, nine thousand dollars.

For salaries of officers, teachers, and employées, state normal school at San Diego, forty-seven thousand three hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at San Diego, four hundred and ninety dollars.

Labor com-  
missioner

For salary of commissioner, bureau of labor statistics, six thousand dollars.

For salary of deputy commissioner, bureau of labor statistics, three thousand six hundred dollars.

For office rent, bureau of labor statistics, one thousand two hundred dollars.

For salaries of assistants, traveling and contingent expenses, bureau of labor statistics, five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to bureau of labor statistics, one thousand seven hundred and fifty dollars.

For salary of highway commissioner, department of highways, six thousand dollars.

Highway  
Commis-  
sioner

For salary of secretary, department of highways, three thousand dollars.

For salary of stenographer, department of highways, two thousand four hundred dollars.

For traveling and contingent expenses, department of highways, exempt from the provisions of section four of this act, twenty-five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to department of highways, one thousand four hundred dollars.

For support of state board of horticulture, ten thousand dollars.

State board  
of horti-  
culture

For salary of secretary state board of horticulture, four thousand two hundred dollars.

For salary of clerk state board of horticulture, one thousand two hundred dollars.

For salary of clerk publishing and quarantine bureau, state board of horticulture, four thousand two hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of horticulture, five thousand dollars.

For support of state mining bureau, including salaries fifty thousand dollars; *provided*, that twenty thousand dollars of said sum shall be expended in making a practical and scientific examination of the mother lode and other mineral districts in California, including the oil districts, and preparing a brief and accurate history of such districts and the development, product, resources, methods of working, and future possibilities of the mining and oil industries in California. Such examinations to be made by competent experts experienced in California mining, and assistants, all of whom shall be appointed and their compensation fixed by the governor.

State min-  
ing bureau.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state mining bureau, seven thousand dollars.

For support of state mineral cabinet, one hundred dollars.

Mineral  
cabinet

For printing, binding, ruling, and all other work performed and materials furnished by state printing office to trustees state mineral cabinet, thirty-five dollars.

For restoration and preservation of game, five thousand dollars.

Fish com-  
missioners.

For restoration and preservation of fish, fifteen thousand dollars.

For support and maintenance of state hatcheries, twenty thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the fish commission, seven hundred dollars.

For costs and expenses of suits for violation of fish and game laws, one thousand dollars.

- Trustees normal school Lake Tahoe road. For traveling expenses, joint board of normal school trustees, one thousand dollars.
- For salary of Lake Tahoe wagon road commissioner, one thousand two hundred dollars.
- For maintenance of Lake Tahoe wagon road, eight thousand dollars.
- Dairy bureau. For support of the state dairy bureau, five thousand dollars.
- University printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state university, ten thousand five hundred dollars.
- State board of pharmacy printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of pharmacy, one hundred and forty dollars.
- Building and loan commission printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to commissioners of building and loan associations, two thousand dollars.
- Dairy bureau printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state dairy bureau, four hundred dollars.
- Lunacy commission printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state lunacy commission, three hundred and fifty dollars.
- State veterinary printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state veterinary medical board, one hundred dollars.
- San Diego harbor printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to harbor commissioners, San Diego, two hundred dollars.
- Dental examiners' printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of dental examiners, three hundred and fifty dollars.
- Capitol commissioners' printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to capitol commissioners, thirty-five dollars.
- Pilot commissioners printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to pilot commissioners, thirty-five dollars.
- Prison directors printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of prison directors, eight hundred and forty dollars.
- State board education. For traveling expenses, state board of education, one thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of education, thirty-five dollars.
- Advertising. For official advertising, three thousand dollars.
- State burial grounds. For care of state burial grounds, two hundred dollars.
- Wine labels. For printing California pure-wine labels, two hundred dollars.
- Hastings law college. For payment of interest on one hundred thousand dollars, Hastings college of law, fourteen thousand dollars.
- For rent of rooms for Hastings college of the law, two thousand four hundred dollars.

For salary of guardian Marshall monument and grounds, one thousand two hundred dollars. Marshall monument.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to guardian Marshall monument, seventeen dollars and fifty cents.

For salary of guardian Sutter's fort, one thousand two hundred dollars. Guardian Sutter's fort.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the guardian of Sutter's fort, seventeen dollars and fifty cents.

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), thirty thousand dollars; *and provided further*, that no game of chance played with cards, dice, or any device, for money, checks, credit, drinks, cigars, or other representation of value or for any object whatever, shall be permitted at the pavilion or on the state fair grounds or in any other place subject to the control of said society; *and provided further*, that pool-selling and book-making on the trials of speed held under the auspices of the said society shall not be affected hereby. Any violation of this proviso shall work a forfeiture of the said appropriation. State agricultural society.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state agricultural society, seven thousand dollars. State agricultural society printing.

For aid to district agricultural society number one, four thousand five hundred dollars. District agricultural societies.

For aid to district agricultural society number two, three thousand dollars.

For aid to district agricultural society number three, one thousand four hundred dollars.

For aid to district agricultural society number four, three thousand dollars.

For aid to district agricultural society number five, three thousand dollars.

For aid to district agricultural society number six, four thousand five hundred dollars.

For aid to district agricultural society number seven, one thousand eight hundred dollars.

For aid to district agricultural society number eight, one thousand four hundred dollars.

For aid to district agricultural society number nine, one thousand eight hundred dollars.

For aid to district agricultural society number ten, one thousand two hundred dollars.

For aid to district agricultural society number eleven, one thousand eight hundred dollars.

For aid to district agricultural society number twelve, one thousand eight hundred dollars.

For aid to district agricultural society number thirteen, one thousand eight hundred dollars.

District agricultural societies.

For aid to district agricultural society number fourteen, one thousand eight hundred dollars.

For aid to district agricultural society number fifteen, one thousand four hundred dollars.

For aid to district agricultural society number sixteen, one thousand four hundred dollars.

For aid to district agricultural society number seventeen, one thousand four hundred dollars.

For aid to district agricultural society number eighteen, one thousand eight hundred dollars.

For aid to district agricultural society number nineteen, one thousand two hundred dollars.

For aid to district agricultural society number twenty, one thousand two hundred dollars.

For aid to district agricultural society number twenty-one, two thousand four hundred dollars.

For aid to district agricultural society number twenty-two, two thousand one hundred dollars.

For aid to district agricultural society number twenty-three, one thousand eight hundred dollars.

For aid to district agricultural society number twenty-four, one thousand eight hundred dollars.

For aid to district agricultural society number twenty-five, two thousand one hundred dollars.

For aid to district agricultural society number twenty-six, one thousand five hundred dollars.

For aid to district agricultural society number twenty-seven, one thousand eight hundred dollars.

For aid to district agricultural society number twenty-eight, two thousand four hundred dollars.

For aid to district agricultural society number twenty-nine, one thousand four hundred dollars.

For aid to district agricultural society number thirty, one thousand four hundred dollars.

For aid to district agricultural society number thirty-one, one thousand four hundred dollars.

For aid to district agricultural society number thirty-two, one thousand four hundred dollars.

For aid to district agricultural society number thirty-three, one thousand four hundred dollars.

For aid to district agricultural society number thirty-four, one thousand two hundred dollars.

For aid to district agricultural society number thirty-five, one thousand four hundred dollars.

For aid to district agricultural society number thirty-six, one thousand eight hundred dollars.

For aid to district agricultural society number thirty-seven, one thousand two hundred dollars.

For aid to district agricultural society number thirty-eight, one thousand four hundred dollars.

For aid to district agricultural society number thirty-nine, one thousand four hundred dollars.

For aid to district agricultural society number forty, two thousand one hundred dollars.

District agricultural societies.

For aid to district agricultural society number forty-one, one thousand two hundred dollars.

For aid to district agricultural society number forty-two, one thousand four hundred dollars.

For aid to district agricultural society number forty-three, one thousand two hundred dollars.

For aid to district agricultural society number forty-four, one thousand four hundred dollars.

It is hereby provided that any district agricultural society may use the whole amount hereby appropriated for one fair; but, if it be so used, the said fair must be held during the fifty-second fiscal year.

*Provided*, that no moneys appropriated for agricultural societies shall be drawn, used, or paid for racing or speed contests; *and provided further*, that no game of chance played with cards, dice, or any device, for money, checks, credit, drinks, cigars, or other representative of value, or for any object whatever, shall be permitted at the pavilion, or on the fair grounds, or in any other place subject to the control of any of said agricultural societies. Any violation of either of these provisos by any of said societies shall work a forfeiture of the appropriation made therefor.

Gambling prohibited.

For the work of repairing the basement of the state capitol building, so that the same can be used as a restaurant, three thousand dollars, or so much as is necessary, to be expended under the direction of the state board of examiners; *and provided further*, that said board may at its discretion expend said amount in either the fifty-first or the fifty-second fiscal years.

Repairs to capitol basement.

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.

Auditing of claims, etc.

SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for

Presentation of claims.

Presentation of claims.

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 demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase. All bills and vouchers which shall be presented for supplies furnished or services rendered shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this act unless authorized thereto by law.

One twenty-fourth per month.

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, nineteen hundred and one, 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 fifty-first fiscal year, unless the same has been expressly authorized by this act.

Creation of deficiencies.

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 unanimous consent of the state board of examiners be first obtained, and a certificate, in writing, duly signed by every member 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; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of examiners, and the certificate in this section provided for be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Insurance.

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



office and its contents and the pavilion of the state agricultural society.

## CHAPTER XCVI.

*An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor.*

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The office of the state veterinarian of the state of California is hereby created. It shall be the duty of the governor, within sixty days from and after the passage of this act, to appoint a skilled veterinary surgeon for the state of California to fill said office of state veterinarian, who at the date of such appointment shall be a graduate in good standing of a recognized college of veterinary surgery, legally qualified to practice as such in this state, and shall hold his said office at the pleasure of the governor. The salary of said veterinary surgeon shall on no account exceed the sum of two thousand dollars per year, and his necessary expenses incurred in the discharge of his duties hereinafter provided for, not exceeding five hundred dollars per annum. In making said appointment it shall be the duty of the governor to disregard political affiliations, and be guided in his selection merely by the professional and moral qualifications of said veterinary for the performance of his duties.

Creation of office of state veterinarian.

Qualifications.

Salary.

Sec. 2. It shall be the duty of the state veterinarian, provided for in the first section of this act, to protect the health of all domestic animals of the state from all contagious and infectious diseases, so far as practicable; and for the purpose he is hereby authorized and empowered, by and with the approval of the governor, to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary as to stock passing over any quarantine line existing, or which may be established within the state, and all such stock so moving shall be inspected by him, and he shall issue his certificate of state inspection, unless such stock shall have been, immediately prior to such moving, inspected by an officer or agent acting under the laws of the United States. Whenever it may be necessary to carry out and give effect to the provisions of this act, the governor is hereby authorized and empowered to appoint an assistant state veterinarian, whose tenure of office and salary shall be determined and fixed by the governor.

Duties and powers.

Assistant state veterinarian.

Sec. 3. Upon information by him received of the existence of contagious or infectious diseases of domestic animals within this state, the state veterinarian shall proceed to thoroughly investigate the same, and he is hereby authorized, by and with

Duties and powers.

the approval of the governor, to establish such quarantine, sanitary and police regulation as may be necessary to circumscribe and exterminate such disease or diseases, and prevent the extension thereof, and he is hereby authorized and empowered to enter upon any grounds or premises and inspect any live stock necessary to carry out the provisions of this act.

Information to dairy bureau and supervisors.

SEC. 4. Upon the discovery of any case of such contagious or infectious disease, the state veterinarian shall immediately inform the state dairy bureau and the board of supervisors of the county or counties in which said disease exists, or diseased animals are located, of the existence of such disease and of such facts and circumstances in connection therewith as will enable said board of supervisors to take prompt and proper action to prevent the spread of such disease and to eradicate the same.

Duty of dairy bureau and supervisors.

SEC. 5. Upon the receipt of such report, it shall be the duty of said dairy bureau when more than one county is involved, and of the board of supervisors when only one county is involved, to proceed immediately to eradicate or suppress said disease, to prevent its spread or introduction among healthy animals, or the infection of pastures, roads, places, or sections theretofore free from said disease and uninfected.

If supervisors neglect to act.

SEC. 6. Should said board of supervisors refuse or neglect for the period of five days to take any or proper action to quarantine such cases of contagious and infectious diseases so reported, to them, or to suppress or eradicate the same, or prevent the spread thereof, the state veterinarian shall have the power, and it shall be his duty, to quarantine such county, or such portions thereof as may be necessary, and thereafter it shall be unlawful for the owners of the domestic animals quarantined, their agents or employés, to move any of such animals across the quarantine line established, or without the county or portion thereof quarantined, without first obtaining a permit from said state veterinarian, who shall, before such permit is issued, inspect and if necessary cause such animals and vehicles of transportation to be disinfected according to the rules laid down by the United States bureau of animal industry, department of agriculture, or until such quarantine has been raised or discontinued by said state veterinarian.

May issue permit.

Quarantine regulations.

SEC. 7. The state veterinarian shall determine, from time to time, the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious or infectious disease found to exist among the live stock of this state, and shall to that end cooperate with, and, so far as possible, obtain the assent of the proper United States authorities to the establishment or changing of quarantine lines which are or may be hereafter established, and when he shall have done so he shall notify the governor thereof, who, if he approve, shall issue his proclamation proclaiming the boundary of such quarantine, and the orders, rules, and regulations prescribed for the maintenance and enforcement of such quarantine, and shall publish the same in such manner as he shall deem expedient.

Proclamation of governor.

Penalty for violations.

SEC. 8. Any person failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon

conviction be fined not less than one hundred nor more than five hundred dollars for each offense, and shall be liable for any damage and loss that may be sustained by any person or persons by reason of the failure of such owner or agent to comply with the provisions of this act.

SEC. 9. For the purpose of carrying out the provisions of this act there shall be appropriated the sum of eight thousand dollars, not more than one thousand dollars payable out of the revenues for the current fiscal year, out of the general fund of this state. Appropriation.

SEC. 10. This act shall be in force and effect from and after its passage.

[Became a law, under constitutional provision, without Governor's approval, March 18, 1899.]

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#### CHAPTER XCVII.

*An act making an appropriation for pay of officers and clerks, senate, thirty-third session.*

[Approved March 18, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-two hundred dollars for pay of officers and clerks, senate, thirty-third session. Appropriation to pay officers and clerks of senate.

SEC. 2. This act shall take effect immediately.

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#### CHAPTER XCVIII.

*An act to amend section thirty-seven hundred and thirteen of the Political Code, relating to the levy of taxes.*

[Approved March 18, 1899.]

*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 fifty-first and fifty-second 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 fifty-first fiscal year: Tax levy.

Fifty-first  
fiscal year.

First—For the general fund, four million seven hundred twenty-two dollars.

Second—For the school fund, two million four hundred and thirty-three thousand three hundred and forty dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

Fifty-second  
fiscal year.

And for the fifty-second fiscal year:

First—For the general fund, two million nine hundred and forty-six thousand two hundred and twenty-two dollars.

Second—For the school fund, two million four hundred and thirty-three thousand three hundred and forty dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

## CHAPTER XCIX.

*An act to amend section seven hundred and thirty-seven of the Political Code, relating to salaries of superior judges.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Salaries of  
superior  
judges.

737. The annual salaries of the judges of the superior courts of the city and county of San Francisco are four thousand dollars, and the counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Marin, Mendocino, Tehama, San Bernardino, Kern, Placer, Humboldt, Tulare, Fresno, Solano, Yolo, and Contra Costa are four thousand dollars each, and of the judges of the superior courts of Amador, Calaveras, Stanislaus, El Dorado, and Tuolumne three thousand five hundred dollars per annum; the judge of the superior court of Alpine, two thousand dollars per annum; one half of which shall be paid by the state and the other half thereof by the county of which the judge is elected or appointed, except that in the counties of Yuba and Sutter, one fourth of the salary of the superior judge shall be paid by each county. Until the first Monday after the first day of January, nineteen hundred and three, unless a vacancy occurs in the office of judge of the superior court of said counties combined; *provided*, that from and after the first Monday after the first day of January, nineteen hundred and three, or after the happening of a vacancy, should the same occur, in such office of said counties combined the judge of the superior court, respectively, of the counties of Yuba and Sutter shall receive a salary of four thousand dollars per annum, payable in each case one half by

the state and the other half by the county for which the judge is elected or appointed, at the times and in the manner now provided by law for the payment of such salaries in other counties.

SEC. 2. This act shall take effect immediately.

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### CHAPTER C.

*An act making an appropriation to pay the claim of John W. Mitchell for legal services.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fifteen hundred dollars, to pay the claim of John W. Mitchell for legal services rendered the board of trustees of the Whittier state school by consent of the attorney-general, said claim having been approved by the state board of examiners.

Appropriation to pay claim of John W. Mitchell.

SEC. 2. This act shall take effect immediately.

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### CHAPTER CI.

*An act to amend sections eleven hundred and thirty-one, eleven hundred and sixty, eleven hundred and sixty-four, eleven hundred and ninety-six, eleven hundred and ninety-seven, twelve hundred and five, twelve hundred and ten, twelve hundred and eleven, twelve hundred and fifty-seven, and twelve hundred and fifty-nine of the Political Code, all relating to elections.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

1131. The board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state, must, at least twenty-five days prior to an election, issue its order appointing boards of election, designating the house or place within the precinct where the election must be held, and the offices to be filled, naming and numbering in numerical order, commencing with number one, the offices to be filled, unexpired terms being designated next after the full term; but in no event shall any place

Supervisors to issue election proclamation; contents.

be selected for holding an election that is in a saloon or other room or place where vinous, spirituous, or malt liquors are sold or dispensed, nor shall any place be selected for such purpose that is connected with a saloon or other room or place where vinous, spirituous, or malt liquors are sold or dispensed by any door, window, or other opening.

SEC. 2. Section eleven hundred and sixty of the Political Code of California is hereby amended to read as follows:

Time of opening and closing polls.

1160. The polls must be opened at six o'clock of the morning of the day of election, and must be kept open until five o'clock in the afternoon of the same day, when the polls shall be closed.

SEC. 3. Section eleven hundred and sixty-four of the Political Code of California is hereby amended to read as follows:

Proclamation that polls are closed.

1164. When the polls are closed, that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballots must be received; *provided*, that all electors who are within the election booth, and who have not cast their ballot, shall be entitled to receive, mark, and deposit their ballot.

SEC. 4. Section eleven hundred and ninety-six of the Political Code of California is hereby amended to read as follows:

County clerks to provide ballots.

1196. Except as in this code otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county clerk, in the manner provided for in this code. Ballots other than those printed by the respective county clerks, or the clerk or secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the county

Separate ballots.

clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city or county participate, and to cause to be printed in such separate ballots the name of every candidate for a city and county office whose name has been filed with the proper officer in the manner provided in this code. It shall be the duty of the clerk or secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such clerk or secretary in the manner provided for in this code. All ballots shall be of the necessary size and shape to contain in parallel columns the names of all the candidates nominated by each of the several political parties or independent bodies, together with the necessary blank column hereinafter provided for, and shall be printed on tinted paper furnished by the secretary of state. It shall be the duty of the secretary of state to obtain, and keep on hand, a sufficient

Size of ballots.

supply of paper for ballots, and to furnish the same, in quantities ordered, to any county clerk, or clerk or secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be watermarked with a design to be furnished by the secretary of state, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing, or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years; but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot, and marked as voted for.

Secretary of state to provide ballot paper.

Water-mark.

Secret design.

When changed.

Voter may write name of candidate.

SEC. 5. Section eleven hundred and ninety-seven of the Political Code of California is hereby amended to read as follows:

1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided in this act, together with the title of the office arranged in tickets under the titles of the respective political parties as certified in the certificates of nomination. The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given. The list of candidates of the several parties shall be printed in parallel columns, each column to be headed by the party name in such order as the secretary of state may direct, precedence, however, being given to the party which polled the highest number of votes for governor at the last preceding general election for such officer, and so on. The number of such columns shall exceed by one the number of separate tickets of candidates to be voted for at the polling place for which the ballot is provided, except as otherwise provided in this section. The party name shall be printed in display, the name or designation of the office in brevier lower case, and the name of the candidate therefor in brevier capital type. The title of the office, together with the name of the candidate therefor, shall be printed in a space one half inch in depth, and at least two inches in width, defined by light horizontal ruled lines, with a blank space on the right thereof one half of an inch wide, inclosed by heavier dark lines, which space (called the voting square) shall be of the same depth as the space containing the title of the office and the name of the candidate; *provided, however*, that when two or more persons are to be voted for, for the same office, for the same term, on the same party ticket, as, for

Form of ballot, and arrangement of names thereon.

Names in parallel party columns.

Style of printing.

Blank  
column.

Independent  
ticket.

Independent  
nominations.

Number on  
ballot.

instance, presidential electors, the title of the office shall be printed in the first space only, which space shall be one half an inch in depth, and the several spaces in which only such candidates' names are printed, and the voting spaces to the right thereof, shall each be one fourth of an inch in depth between the horizontal ruled lines. On the right of each ballot shall be a column in which shall be printed only the titles of the offices for which candidates may be voted for by the electors at the polling place for which such ballot is printed. Such column is designated as the "blank column," and in such column the voting spaces shall be omitted, but in all other respects such blank column shall be a duplicate of the political party columns upon such ballot. In the space of such column above the heavy ruled line shall be printed in great primer Roman condensed capitals the words "blank column," and below such words shall be printed in brevier capital type the following: "The elector may write in the column below, under the title of the office, the name of any person whose name is not printed upon the ballot, for whom he desires to vote." The heading of each party ticket shall be separated from the rest of the ticket by a heavy printed line; *provided, however,* that in the case of nominations provided for in section eleven hundred and eighty-eight, herein referred to as independent tickets, the ballot shall be so arranged that at the right of the last column for nominations made pursuant to section eleven hundred and eighty-seven the several tickets of the names of the candidates nominated under section eleven hundred and eighty-eight shall be printed in one or more columns according to the space required, having above each of the tickets the political or other name selected to designate such independent nominations. The independent tickets occupying the same column shall be separated from each other by a solid black line one eighth of an inch wide. At the top of such column or columns for independent nominations shall be printed, in type known as great primer Roman condensed capitals, the words "independent nominations." Each column upon the ballot shall be bordered on either side by a broad solid printed line one eighth of an inch wide, and the edge of the ballot on the left hand side shall be trimmed off up to the border or solid line described, and on the right hand side shall be perforated along the border or solid line above described. The ballots shall be so printed as to give each elector a clear opportunity to designate, by stamping a cross (X) in a blank inclosed space, heretofore designated as the voting space, on the right of and after the name of each candidate, his choice of particular candidates. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing, except the number of the ballot, which shall be upon the back of such strip, in such position that it shall appear on the outside when the ballot is



folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks, other than the separate ballots containing the names of candidates for city and county offices, printed by the county clerks of consolidated cities and counties, shall have printed on the back, below the stub, and immediately at the left of the center of the ballot, in great primer Roman condensed capitals, the words "general ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerk or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words "municipal ticket." All municipal tickets shall be printed upon paper of a different tint from that of the general ticket. On the top of the face of the ballot the following direction shall be printed: "To vote for a person stamp a cross (X) in the square at the right of the name." All of the ballots of the same sort prepared by any county clerk, or clerk or secretary of a legislative body, or other person having charge of preparing such ballots, for the same polling place, shall be of precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that when the stubs mentioned as aforesaid shall be detached therefrom it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character. If two or more officers are to be elected to the same office for different terms, the terms for which each is nominated shall be printed upon the ballot as a part of the title of the office. If at a general election an officer is to be elected for a full term, and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term to fill which such candidates are severally nominated, and the name of the candidate to fill such vacancy shall be printed next following the name of the candidate nominated for the full term. When no nomination has been made by a political party as designated by sections eleven hundred and eighty-six, for an office to be filled at the election, or where a nominee has been assigned to or has chosen another column, pursuant to the provisions of this act, the title of such office shall be printed in such party column, and underneath such title shall be printed in brevier capital type the words "no nomination." No ticket or list of candidates shall be printed, under the name of any political party or independent nominations which contains more candidates for any office than there are persons to be elected to such office. The name of a candidate shall be printed only once upon the ballot, and if any candidate is nominated by more than one certificate of nomination, he must by a writing, signed and

General  
ticket.

Municipal  
ticket

Municipal  
ticket, of  
different  
tint.

Ballots  
must be  
similar.

"No nomi-  
nation."

Name can-  
not appear  
but once  
on ballot.

Candidates must choose party designation

verified by him and filed with the officer where the certificate of nomination is filed, choose which of such party designations he desires to have his name printed under; such writing, if filed with the secretary of state, must be filed at least twenty-seven days before the day of election; if filed with a county clerk or other officer, it must be filed at least fourteen days before the day of election, and if any such candidate shall not have so chosen, his name shall be placed upon the ballot under the designation of the party named in the certificate of his nomination which was first filed. Whenever any question or constitutional amendment is to be submitted to the vote of the people, there shall be printed another column, or columns, with voting squares, at the right of the last or blank column in which such question or constitutional amendment shall be printed, and opposite such question or constitutional amendment to be voted on, in separate lines, the words "yes" or "no" shall be printed. If the elector shall have stamped a cross (X) in the voting square after the printed word "yes," his vote shall be deemed to be in favor of the adoption of the question or constitutional amendment; if he shall have stamped a cross (X) after the printed word "no," he shall be deemed to be against the adoption of the same. The ballot shall be printed in the following form:

Submission of questions.

Form of ballot

GENERAL TICKET.

FIFTH CONGRESSIONAL DISTRICT.

FIRST EQUALIZATION DISTRICT.

SECOND RAILROAD DISTRICT.

THIRTY-EIGHTH ASSEMBLY DISTRICT.

To vote for a person stamp a cross (X) in the square at the right of the name.

REPUBLICAN TICKET.	DEMOCRATIC TICKET.	PROHIBITION TICKET.	INDEPENDENT NOMINATIONS SOCIAL LABOR TICKET.	Blank Column. The elector may write in the column below, under the title of the office, the name of any person whose name is not printed upon the ballot for whom he desires to vote
For Governor, HENRY T. GAGE.	For Governor, JAMES G. MAGUIRE.	For Governor, J. E. McCOMAS.	For Governor, J. ROBINSON.	For Governor,
For Lieutenant-Governor, J. H. NEFF.	For Lieutenant-Governor, E. L. HUTCHINSON.	For Lieutenant-Governor, R. SUMMERS.	For Lieutenant-Governor, NO NOMINATION.	For Lieutenant-Governor,
For Secretary of State, CHARLES F. CURRY.	For Secretary of State, R. A. THOMPSON.	For Secretary of State, J. W. WEBB.	For Secretary of State, JAMES RASCHEN.	For Secretary of State,
For Controller, E. P. COLGAN.	For Controller, T. W. MAPLES.	For Controller, T. L. HIERLEHY.		For Controller,
For Attorney-General, TIRREY L. FORD.	For Attorney-General, H. P. ANDREWS.	For Attorney-General, J. H. BLANCHARD.		For Attorney-General,
For Associate Justice of Supreme Court, T. B. McFARLAND. WM. C. VAN FLEET.	For Associate Justice of Supreme Court, W. M. CONLEY. W. VAN DYKE.	For Associate Justice of Supreme Court, T. M. STEWART. R. THOMPSON.		For Associate Justice of Supreme Court,
For Representative in Congress, 5th Cong. District, EUGENE F. LOUD.	For Representative in Congress, 5th Cong. District, WM. CRAIG.	For Representative in Congress, 5th Cong. District, NO NOMINATION.	For Representative in Congress, 5th Cong. District, JOHN L. PILGER.	For Representative in Congress, 5th Cong. District,
For Board of Equalization, 1st Equalization District, J. G. EDWARDS.	For Board of Equalization, 1st Equalization District, J. P. DUNN.	For Board of Equalization, 1st Equalization District, NO NOMINATION.		For Board of Equalization, 1st Equalization District,
For Railroad Commissioner, 2d Railroad District, C. S. LAUMEISTER.	For Railroad Commissioner, 2d Railroad District, WM. M. HINTON.	For Railroad Commissioner, 2d Railroad District, NO NOMINATION.		For Railroad Commissioner, 2d Railroad District,
For Member of Assembly, 38th Assembly District, WM. H. RICKARD.	For Member of Assembly, 38th Assembly District, LESTER JACOBS.	For Member of Assembly, 38th Assembly District, NO NOMINATION.		For Member of Assembly, 38th Assembly District,
			UNITED LABOR TICKET.	

Sec. 6. Section twelve hundred and five of the Political Code of California is hereby amended to read as follows:

1205. On receipt of his ballot, the elector shall forthwith and without leaving the inclosed space, retire alone to one of the places, booths, or compartments provided, to prepare his ballot. He shall prepare his ballot by marking a cross after the name of the person or persons for whom he intends to vote, or by writing a name or names in the "blank column"; and in case of a constitutional amendment or other question submitted to the vote of the people, by marking in the appropriate margin a cross (X) against the answer which he desires to give. Such marking shall be done only with a stamp, which, with necessary pads and ink, shall be provided by the officers who are by this code required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot and the indorsement on the back shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the inspector, who shall announce in an audible tone of voice the name of the voter and the number of his ballot. The ballot clerk having the register in charge, if he finds the number to correspond with the number marked opposite the voter's name on the register, shall, in like manner, repeat the name and number, and shall mark opposite the name the word "voted." The inspector shall then separate the slip containing the number from the ballot, and shall deposit the ballot in the box. The numbers of all ballots shall be immediately destroyed.

How voter shall prepare ballot.

Must be marked with number stamp.

Folding of ballot.

Method of voting.

Sec. 7. Section twelve hundred and ten of the Political Code of California is hereby amended to read as follows:

1210. The county clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark or indorsements (except the words "sample ballot" printed on the back), at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "sample ballot," and shall be furnished to registered voters at the office of such clerk or secretary five days before the day fixed by law for such election, and at any time during such five days; *provided*, that not more than one sample ballot shall be furnished to any one voter. Such clerk or secretary shall cause to be printed, in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots. He shall furnish one such card to every registered voter, at the same time and in the same manner that he mails the sample ballot, as set forth in section eleven hundred and ninety-four; and twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner

Sample ballots.

Instruction cards.

as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Section twelve hundred and fourteen and twelve hundred and fifteen of this code, and section sixty-one of the Penal Code, shall also be printed on each of said cards.

SEC. 8. Section twelve hundred and eleven of the Political Code of California is hereby amended to read as follows.

Defective  
ballots.

1211. 1. In canvassing the votes any ballot which is not made as provided in this act shall be void, and shall not be counted; but each such ballot must be preserved and returned with the other ballots. Any name written upon a ballot shall be counted for the office under which it is written; *provided*, it is written in the "blank column."

Written  
names  
must be in  
"blank  
column"

2. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

SEC. 9. Section twelve hundred and fifty-seven of the Political Code of California is hereby amended to read as follows:

How votes  
are to be  
counted.

1257. After the lists are thus signed, the board must proceed to open the ballots, and count and ascertain the number of votes cast for each person voted for. At all elections where a general ticket and a municipal ticket are used, the canvass of the general ticket shall be completed before the canvass of the municipal ticket is commenced. All ballots rejected for illegality must be indorsed upon the ballot the cause of such rejection, and signed by a majority of the election board, and thereafter strung upon a string.

Disposal of  
rejected  
ballots.

SEC. 10. Section twelve hundred and fifty-nine of the Political Code of California is hereby amended to read as follows:

Disposal of  
ballots  
after being  
counted

1259. The ballot, as soon as the names marked on it as voted for are read and verified, must be strung on a string by one of the judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the board writing his name across the seal.

## CHAPTER CII.

*An act to amend that certain act of the legislature of the state of California entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, by amending section three thereof, relating to the enumeration of the inhabitants of a city or town.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of that certain act of the legislature of the state of California 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 3. The council, board of trustees, or other legislative body of any municipal corporation, may at any time cause an enumeration of the inhabitants thereof 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, 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 reorganization, incorporation, and government of municipal corporations. 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 and 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. Whenever the result of such enumeration shall have been declared by the council, board of trustees, or other governing body, and entered in the minutes of such body, thereupon the number of such inhabitants so ascertained shall be deemed the number of the inhabitants of such city for all the purposes of this act, and for the purposes of legislation affecting municipalities. The clerk of the council, board of trustees, or other governing body of such city, shall cause a certified copy of such minute order to be filed with the board of supervisors of the county wherein such city is situated.

Classification of municipal corporations

May reorganize.

SEC. 2. This act shall take effect immediately on its passage.

## CHAPTER CIII.

*An act entitled an act to amend section seven hundred and fifty-six of the Political Code of the state of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, and the deputy clerks, of the clerk of the supreme court.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Deputy  
clerks of  
supreme  
court,  
salaries.

756. The annual salary of the chief deputy clerk of the supreme court shall be twenty-four hundred dollars; the annual salary of each of the deputy clerks of the supreme court shall be eighteen hundred dollars. The salaries of the chief deputy clerk and the deputy clerks of the supreme court shall be paid out of the state treasury in the same manner and at the same time as the salaries of other state officers are paid.

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

## CHAPTER CIV.

*An act entitled an act to amend section seven hundred and fifty-one of the Political Code of the state of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the clerk of the supreme court.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Deputy  
clerks of  
supreme  
court.

751. There shall be appointed by the clerk of the supreme court five deputy clerks of the supreme court; and there shall likewise be appointed, in addition thereto, a chief deputy clerk of said supreme court, who shall act as clerk of the supreme court in the absence of said clerk. The chief deputy clerk and deputy clerks of the supreme court shall be civil executive officers.

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



## CHAPTER CV.

*An act authorizing the secretary of state to appoint a clerk in addition to the number now allowed by law, and to be known as janitor's clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby authorized to appoint one additional clerk for his office in addition to the number now allowed by law, to be known as the janitor's clerk, who shall keep the accounts of the supply department. The salary of said clerk shall be the same in amount as is paid to other clerks in the office of the secretary of state, and shall be payable at the same time as other state officers.

Secretary  
of state to  
appoint  
janitor's  
clerk.

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

## CHAPTER CVI.

*An act to appropriate the sum of \$3,450 to pay the claim of San Francisco Chronicle for money due and owing the said San Francisco Chronicle from the state of California.*

[Approved March 20, 1899.]

*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 three thousand four hundred and fifty dollars to pay the claim of San Francisco Chronicle, the said sum of three thousand four hundred and fifty dollars being now due and owing from the state of California to the said San Francisco Chronicle.

Appropriation to pay  
claim of  
San Fran-  
cisco  
Chronicle.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Chronicle for the said sum of three thousand four hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CVII.

*An act to appropriate the sum of \$125 to pay the claim of F. B. Colver for money due and owing the said F. B. Colver from the state of California.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay of F. B. Colver.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and twenty-five dollars to pay the claim of F. B. Colver, the said sum of one hundred and twenty-five dollars being now due and owing from the state of California to the said F. B. Colver.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said F. B. Colver for the said sum of one hundred and twenty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CVIII.

*An act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the state of California, at the Paris exposition in nineteen hundred; also, for preparing and printing literature for distribution at said exposition, and providing a commission, and expenses of commission and attachés.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

The California Paris exposition commission.

SECTION 1. It is made the duty of the governor of California, within ten days after the passage of this act, to appoint three commissioners, one from the northern portion of the state, one from the central portion of the state, and one from the southern portion of the state, who shall constitute "The California Paris exposition commission," not more than two members of which shall belong to the same political party. Said California Paris exposition commission shall have the exclusive charge and control of the expenditures of all moneys appropriated by the state of California, for the collecting, preparing, forwarding, installing, and maintaining an exhibit of the products of the state of California, and for properly representing the state of California at the Paris exposition to be held in the city of Paris, France, in the year nineteen hundred, and for preparing and printing literature descriptive of the state of California,

its resources, industries, and capabilities, for distribution at said exposition; also, for the purpose of returning such portion of the exhibit as is desired to the terminal point of shipment, within the state of California, after the close of the exhibition. Each of said commissioners shall execute and file with the secretary of state, within thirty days after his appointment by the governor, a good and sufficient bond in the sum of ten thousand dollars, made to the people of the state of California, which bond must be approved by the governor. Said bond shall be conditioned for the faithful performance by said commissioners of all the duties enjoined upon them by this act.

Bonds.

SEC. 2. Said commissioners shall be experienced in exposition work, and shall receive from the money hereby appropriated, as full compensation for services rendered, the sum of five thousand dollars each, and in addition thereto, their actual traveling expenses.

Qualifications.  
Compensation.

SEC. 3. The sum of one hundred and thirty thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to collect, prepare, forward, install, and maintain an exhibit of the products of the state of California at the Paris exposition, to be held in the city of Paris, France, in nineteen hundred, and return such portion of the exhibit, so desired, to the terminal shipping point in California, to prepare, print, and distribute literature as provided in section one of this act, and also pay salaries and traveling expenses of commission and attendants; the sum of twenty-five thousand dollars by this act appropriated shall be available immediately after the passage of this act, and the remaining one hundred and five thousand dollars thereof shall not be paid and shall not become available until December first, eighteen hundred and ninety-nine; and the controller is hereby directed to draw his warrants on the general fund, as provided herewith, in favor of the said commission, and the state treasurer is hereby empowered and directed to pay the same. Said commission to return to the controller vouchers properly certified for all money expended by it.

Appropriation.

SEC. 4. It shall be the duty of the public institutions of the state of California to assist the commission in every possible way, by loaning it such material in their possession as will add to the attractive features of the state exhibit.

Public institutions to assist.

SEC. 5. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 6. This act shall take effect and be in force from and after its passage.

## CHAPTER CIX.

*An act to repeal an act entitled "An act authorizing the controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the revenue clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of expert to the controller, and prescribing his compensation.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Office of  
revenue  
clerk abol-  
ished.

SECTION 1. An act entitled "An act authorizing the controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the revenue clerk, and making an appropriation for his salary for the remainder of the forty-sixth fiscal year," approved March twentieth, eighteen hundred and ninety-five, is hereby repealed.

Expert to  
controller.

SEC. 2. The controller is hereby authorized to appoint an expert for his office, to be known as the expert to the controller, and who shall be a civil executive officer. The salary of said expert shall be two thousand dollars per annum, payable at the same time and in the same manner as other state officers.

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

## CHAPTER CX.

*An act to amend section five hundred and ninety-two of the Penal Code of the state of California.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

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

Water  
ditches,  
etc., pen-  
alty for  
trespass or  
interfer-  
ence with.

592. Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating or generation of power, or domestic uses, or who shall without like authority, raise, lower or otherwise disturb any gate or other apparatus thereof, used for the control or measurement of water, or who shall empty or place, or cause to be emptied or placed, into any such canal, ditch, flume or reservoir, any rubbish, filth or obstruction to the free flow of the water, is guilty of a misdemeanor.

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

## CHAPTER CXI.

*An act to amend an act entitled "An act to amend an act approved February 28th, 1887, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances, residing in the home of the Veterans' Home Association, approved March 7th, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23d, 1893, reducing the amount of such appropriation per capita.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of an act approved March twenty-third, eighteen hundred and ninety-three, entitled "An act to amend an act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled 'An act to amend an act to appropriate money for the support of aged persons in indigent circumstances, residing in the home of the Veterans' Home Association,' approved March seventh, eighteen hundred and eighty-three, providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof," is hereby amended so as to read as follows:

Appropriation for support of veterans' home at Yountville.

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support and maintenance of the Veterans' Home of California, located at Yountville, Napa county, state of California, the sum of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine duly admitted to and residing in such home, or proportionate amount thereof for any less than one year that such inmate may be an inmate of such home; *provided*, that in no one year shall a sum exceeding forty-five thousand dollars be paid by virtue of such appropriation.

SEC. 2. Section two of this act is hereby amended so as to read as follows: The support hereby provided shall commence for each United States ex-soldier, sailor, or marine upon the day following his admittance as a bona fide resident in said home, and shall continue as long as he shall continue to reside and be supported therein.

When support shall commence.

SEC. 3. This act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-nine.

## CHAPTER CXII.

*An act providing that all encampments of the national guard shall be held at the state camp of instruction, unless otherwise ordered.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Annual  
encamp-  
ments at  
state camp.

SECTION 1. The commander-in-chief may annually order an encampment for discipline and drill, either by division, brigade, regiment, battalion, or unattached company. All encampments shall be held at the state camp of instruction for the national guard of California, unless otherwise ordered by the commander-in-chief.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXIII.

*An act to repeal "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.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Location of  
mining  
claims.

SECTION 1. An act to repeal "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 twenty-seventh, eighteen hundred and ninety-seven, is hereby repealed.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXIV.

*An act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the state of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for, the state of California, or for any political subdivision thereof, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the state, or of any political division thereof, or any person acting for or on behalf thereof, or any contractor or sub-contractor, for any part of any public works of, or work done for such state or political subdivision thereof, or any person, corporation, or association whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has, in fact, the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war.

SEC. 2. Each and every contract to which the state of California, or any political subdivision thereof, is a party, and every contract made for or on behalf of the said state or any political subdivision thereof, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, or any sub-contractor, doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public, military, or naval works or defenses in time of war, and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of such state, or political subdivision

Eight-hour day on public works.

Exceptions.

Contracts shall contain a stipulation.

Penalty for requiring or permitting more than eight hours work.

thereof, all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents or employés, or any sub-contractor, his agents or employés. No person on behalf of the state of California, or any political subdivision thereof, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact. Nothing in this act shall be construed to authorize the collection of said penalty from the state or any political subdivision thereof.

Misdemeanor.

SEC. 3. Any officer of the state of California, or any political subdivision thereof, or any person acting for or on behalf thereof, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

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

#### CHAPTER CXV.

*An act providing for the maintenance of a residence for the governor of the state of California, and providing for the number and the salaries of the necessary employés and servants selected and employed by the governor therein, and for the appropriation of necessary money for such purpose, and directing the state controller to issue warrants upon the general fund, and directing the state treasurer to pay said warrants.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation for maintenance of governor's residence.

SECTION 1. Upon the erection, completion and furnishing of a residence for the governor of the state of California, pursuant to the provisions of an act entitled "An act providing for the construction and furnishing of a residence for the governor of the state of California, and appropriating the sum of fifty thousand dollars for the erection and furnishing of said residence, and of all expenses connected therewith," approved \_\_\_\_\_, eighteen hundred and ninety-nine, the state controller and the state treasurer shall transfer from the general fund, into a fund which shall hereafter be known and designated as the governor's residence fund, the sum of five thousand



dollars, which fund shall be drawn upon by the governor of the state of California, for maintenance, salaries of necessary employés and servants, to be selected and employed by the governor, to properly maintain and conduct said governor's residence; *provided*, that the aggregate amount of the salaries of said employés, servants, and maintenance shall not exceed the sum of twenty-five hundred dollars per year; and the several items of appropriation necessary therefor shall thereafter be carried in the general appropriation bill, as are the items of appropriation for the maintenance of other state property.

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## CHAPTER CXVI.

*An act making an appropriation to pay the expenses incurred for the funeral of the late state treasurer, Levi Rackliffe.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of eight hundred nine dollars and fifty cents is hereby appropriated to pay the expenses incurred for the funeral of the late state treasurer, Levi Rackliffe (the same having been approved by the state board of examiners), to be paid as follows: George H. Clark, six hundred forty-four dollars and fifty cents; B. Wilson & Co., twenty-five dollars; the Bell Conservatory Company, forty dollars; George Boyne, one hundred dollars.

Appropriation to pay funeral expenses of Levi Rackliffe, state treasurer.

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.

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## CHAPTER CXVII.

*An act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer as attorney for the state board of health and the board of health of the city and county of San Francisco from July 15, 1895, until and including November 30, 1895.*

[Approved March 20, 1899]

*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 one thousand one hundred and twenty-five dollars, payable to Helen T. Spencer, administratrix of the estate of Dennis

Appropriation to pay claim of Dennis Spencer.

Spencer, deceased, for the unpaid salary of said Dennis Spencer, deceased, as attorney for the state board of health and the board of health of the city and county of San Francisco from July fifteenth, eighteen hundred and ninety-five, until and including November thirtieth, eighteen hundred and ninety-five.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CXVIII.

*An act making an appropriation for repairing the roof, gutters, and conductors on the state capitol building, and repairing interior of capitol building, resulting and existing from defects in such roof, gutters, and conductors.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation for repair of state capitol.

SECTION 1. The sum of two thousand five hundred dollars (\$2,500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the secretary of state in repairing roof, gutters, and conductors on the state capitol building, and injuries to interior of building resulting and existing from defects in such roof, gutters, and conductors.

SEC. 2. The state controller is hereby authorized to draw his warrants for the money in this act appropriated, in favor of the secretary of state, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

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## CHAPTER CXIX.

*An act to authorize the insurance of all property of the university of California held for purposes of income against damages or loss.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Insurance of university property.

SECTION 1. All property of the university of California held in fee or otherwise for purposes of income may be insured against damage or loss.

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

## CHAPTER CXX.

*An act to amend the Penal Code of the state of California, by adding a new section thereto, to be numbered sixty-four and one half, relating to elections, by providing for the punishment of offenses at primary elections.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered sixty-four and one half, to read as follows:

64½. All the provisions of sections forty to sixty-four of this code, both inclusive, shall apply with like force and effect to elections, known and designated as primary elections, held and conducted under official supervision pursuant to law and to registration therefor, as to other elections, whether the word "primary" be used in connection with the word "election" or "elections" used in said sections or not.

Punishment of offenses against primary election laws.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXCI.

*An act to amend section four hundred and twelve of the Penal Code, relating to boxing or sparring matches, and prize or ring fights.*

[Approved March 20, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and twelve of the Penal Code is hereby amended to read as follows:

A person who, within this state, engages in, instigates, aids, encourages, or does any act to further a contention or fight, without weapons, between two or more persons, or a fight commonly called a ring or prize fight, either within or without the state, or who engages in a public or private sparring exhibition, with or without gloves, within the state, or who sends or publishes a challenge or acceptance of a challenge for such a contention, exhibition, or fight, or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contention, exhibition or fight, shall be guilty of a felony, and upon conviction shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned in the state prison not less than one year nor more than three years; *provided, however*, that sparring exhibitions not to exceed a limited number of rounds with gloves of not less than five ounces each in weight may be held

Prize fights prohibited

Sparring matches of limited number of rounds

by a domestic incorporated athletic club upon the prepayment by such club of an annual license to be fixed by the supervisors of each county; *provided further*, that such club shall have a physician in attendance to examine the boxers prior to each exhibition and determine whether or not they are in perfect physical condition.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CXXII.

*An act making an appropriation to pay the claim of Olive R. Chapman arising upon a judgment recovered against the state of California, in the superior court of the city and county of San Francisco, on August 8, 1895.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Olive R. Chapman

SECTION 1. The sum of eighteen hundred and forty-five (1845) 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 Olive R. Chapman, arising upon a judgment recovered by J. F. Chapman against the state of California, in the superior court of the city and county of San Francisco, on the eighth day of August, eighteen hundred and ninety-five.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of Olive R. Chapman for the principal sum of said judgment, to wit, fourteen hundred and eighty-one and ninety-five one hundredths dollars, and interest thereon from date of the rendition until the drawing of said warrant, at the rate of seven per cent per annum, 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.

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## CHAPTER CXXIII.

*An act to appropriate the sum of \$150 to pay the claim of the Downey Champion for money due and owing the said Downey Champion from the state of California.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of the Downey Champion.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of the Downey

Champion, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Downey Champion.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Downey Champion for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

#### CHAPTER CXXIV.

*An act to add a new section to the Penal Code of the state of California, to be known as section two hundred and fifty-nine, relating to libel.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added to the Penal Code of the state of California a new section, to be known as section two hundred and fifty-nine, to read as follows:

259. Every article, statement, or editorial, contained in any newspaper or other printed publication, printed or published in this state, which by writing or printing tends to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or publish the natural or alleged defects of one who is alive, and thereby expose him or her to public hatred, contempt or ridicule, must be supplemented by the true name of the writer of such article, statement, or editorial, signed or printed at the end thereof. Any owner, proprietor or publisher of any newspaper or other printed publication, printed or published in this state, who shall publish any such article, statement, or editorial in any printed publication, printed or published in this state, which is not so supplemented by the true name of the writer thereof, signed or printed at the end thereof as required by this section, shall forfeit the sum of one thousand dollars for each and every article, statement, or editorial so published in violation of the requirements of this section, which said sum so forfeited may be sued for and recovered against any such owner, publisher, or proprietor so violating this section, in a civil action by and in the name of any person who may bring action therefor, one half of the recovery to be paid into the treasury of this state by the plaintiff and the other half to be retained by the plaintiff in such action. If, in any such action, it shall appear by affidavit to the satisfaction of the court where such action is commenced that a defendant has made a publication in violation of this section within this state, and that after due diligence such defendant cannot be found within this state, or is a foreign corporation, the court must direct an attachment in such action to issue

Newspaper articles of personal character must be signed.

Penalty for violation.

Name of  
author of  
book or  
news  
agency  
sufficient.

against the property of such defendant, and thereupon such attachment shall issue and be executed as in other cases where by law an attachment is provided for. Where the work of any author is contained in a book or pamphlet it shall be sufficient that the name of the author be printed upon the cover or upon a leaf therein, and where any publisher in the regular course of business publishes as news, telegraphic dispatches not furnished or forwarded by its or his own correspondent or correspondents, but furnished and forwarded by telegraph as news by a telegraphic news agency, established and engaged in forwarding telegraphic news to various different publishers as a business, and having an established business name as such a news agency, it shall be sufficient as to such dispatches, that the said business name of such telegraphic news agency be printed in connection with such dispatches as the forwarder of the same.

SEC. 2. This action shall take effect thirty (30) days from and after its passage.

#### CHAPTER CXXV.

*An act authorizing the governor to order the transfer to the general fund of any money that may be in other funds of the state treasury, and the return thereof to such funds.*

[Approved March 20, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Governor  
may order  
transfer of  
funds to  
general  
fund.

SECTION 1. Whenever the general fund of the state treasury becomes exhausted, and there is money in other funds not required to meet any accrued demands against such funds, or demands to accrue against such funds, the controller shall report such fact to the governor and treasurer; and if the governor and treasurer find that the money is not needed in such other funds, the governor may, and he is hereby empowered to order the controller to direct the transfer of such money, or any part thereof, to the general fund. All money so transferred to the general fund under the provisions of this act shall be returned to the fund from which it was transferred as soon as there is sufficient money in the general fund to return the same. Nothing in this act shall be so construed as to order or warrant the transfer of any money from any fund so as to in any manner interfere with the object for which such fund was created.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXXVI.

*An act creating a commissioner of public works, defining his duties and powers, and fixing his compensation.*

[Approved March 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby created a commissioner of public works, to be appointed by the governor. He shall hold office for the term of four years, or until his successor shall be appointed and qualified. 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 appointment 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 twenty-five hundred 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.

Commissioner of public works.

Salary.

SEC. 2. The commissioner shall perform such duties in the examination of lands subject to inundation and overflow by floodwaters, and of the waters causing and making such inundation and overflow, and in the preparation of plans and estimates of cost for works to regulate and control such floodwaters, as he may be directed to perform from time to time by the governor; and such other duties in the examination, supervision and management of public works, constructed or carried on by the state, or under state authority, or under any law of the state, as he may be directed to from time to time by law. He shall, subject to the approval of the auditing board, have the power to employ such engineers and assistants as he may deem necessary to carry out the provisions of this act, or to perform any duties imposed by any law upon said commissioner, and to fix their compensation, subject to the approval of the board.

Duties.

Powers.

SEC. 3. 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; "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 twenty-fourth, eighteen hundred and ninety-three, relating to the office of commissioner of public works," approved February

Conflicting acts repealed.

twenty-fifth, eighteen hundred and ninety-seven, and all other acts and parts of acts in conflict with the provisions of this act are hereby expressly repealed. This act shall be construed as a renewal and continuation of the office of commissioner of public works.

SEC. 4. This act shall take effect on its passage.

#### CHAPTER CXXVII.

*An act regarding organizations, officers, and members of the national guard who entered the United States volunteer service in the Spanish-American war of eighteen hundred and ninety-eight, their privileges and exemptions, and retirements, and providing for the return to the national guard of such organizations, officers, and members.*

[Approved March 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Leave of  
absence  
granted  
members  
of N. G. C.  
who en-  
listed in  
United  
States  
army.

SECTION 1. Each and all of the officers and members of the regiments and companies of the national guard of the state of California who were mustered into the United States volunteer service in the Spanish-American war of eighteen hundred and ninety-eight and have been discharged therefrom are hereby granted leave of absence from the time of their mustering into the United States volunteer service until being mustered out of the same, and that within one hundred and fifty days from their being so mustered out they may report for duty to the brigadier-general of the brigade from which they went, if a regiment; or to the commanding officer of the regiment or battalion from which they went, if a company or division; and they shall at once be recognized as belonging to the national guard and returned to duty as the company, division, battalion, or regiment, which they were at the time they entered said volunteer service, and any company or division not having the minimum number required by law shall recruit up to the requisite number within the time above specified.

Return to  
N. G. C.

All officers of such companies, divisions, battalions, and regiments as entered said volunteer service, and shall return to the national guard as above provided for, shall continue to serve under the commissions held by them at the time they entered the said volunteer service for the unexpired portion of their respective commissions, the same as if they had not entered such volunteer service, and had remained continuously in the national guard.

Officers  
whose  
terms ex-  
pired.

Those officers of the national guard who entered said volunteer service, but whose term of office would have expired had they remained in the national guard, are hereby granted all the privileges, exemptions, and retirements up to the date of



their being mustered out of said volunteer service, the same as if they had remained in the national guard, and, should they return to duty within the time herein provided, and be relected to any commissioned office, as provided by law, their time shall be continuous for all purposes, as if their said terms had not expired.

Officers and members of the regiments, battalions, companies, and divisions of the national guard, who did enter the said volunteer service with their respective commands, if they report for duty with such commands, provided they resume their places in the national guard, as above provided for, are granted continuous service, as in the national guard, for all purposes up to such time as they so report; those who do not so report are hereby granted honorable discharge from the national guard, as of the date of the mustering into said volunteer service of their respective organizations.

SEC. 2. In computing the term of service for any purpose regarding privileges and exemptions and retirements provided by law for officers and members of the national guard, the time which any officer or enlisted man has served or may hereafter serve in said volunteer service shall be computed and allowed for as continuous service, the same as if such service had been in the national guard, and including such time not exceeding one hundred and fifty days to those already mustered out of such service, and such time as may be provided under this act for those not yet mustered out of such service to the time when he shall report for duty in the national guard as hereinbefore provided; and the same shall apply to any volunteer whose term of service in the national guard expires before being mustered out of said volunteer service, or who reenters the national guard within the time provided for in this act.

SEC. 3. The governor is hereby authorized and empowered to prescribe the time for the reentry into the national guard of those organizations, officers, and members who entered in said volunteer service but have not yet been discharged therefrom, after they shall have been so discharged, and they may reenter the national guard upon the terms and conditions, except as to time, provided in this act, and they are hereby granted leave of absence for the entire period they have been or may be in said volunteer service.

SEC. 4. No organization, officer, or member hereby granted leave of absence shall draw or be allowed any pay, allowance, money, or property from the state of California for the time or any portion of the time they are hereby granted leave of absence, but all organizations shall be entitled to all military allowances provided by law as soon as they are recruited up to the minimum required by law, and that fact is reported to and approved by the governor.

SEC. 5. This act shall take effect immediately.

## CHAPTER CXXVIII.

*An act to amend sections three, five, six, and eight of article two of an act entitled "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.*

[Approved March 21, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three, article two, of an act entitled "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 thirty-first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Managers  
to be ap-  
pointed by  
the gov-  
ernor.

Section 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 opportunity to be heard. No person shall be eligible to the office of manager who is either an elective or appointive state officer, or member of the legislature, and if any such manager shall become a member of the legislature or an elective or appointive state officer, his office of 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.

Disquali-  
fications.

Failure to  
attend  
meetings.

Sec. 2. Section five of the above-mentioned and described act is hereby amended so as to read as follows:

Appoint-  
ments by  
boards of  
managers.

Section 5. Each board of managers shall continue to appoint for its hospital, as often as vacancies occur therein:

Medical  
superin-  
tendent.

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 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 homeo-

pathic 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;

2. The 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, who shall maintain such office wherever the board of managers may direct. He shall give an undertaking to the people of the state, in such sum as the board shall name, for the faithful performance of his trust, with sureties to be approved by a justice of the supreme court or a judge of the superior court of the county in which the hospital is located.

Treasurer  
and  
secretary.

Any medical superintendent or any treasurer may be removed by a majority vote of the board of managers for cause. Such cause must be stated in writing and be served upon the official charged, who shall thereafter be given an opportunity to be heard. Should he be removed upon such hearing, his removal shall be final.

Removal  
of ap-  
pointees.

SEC. 3. Section six of the above-mentioned and described act is hereby amended so as to read as follows:

Section 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:

Powers and  
duties of  
medical  
superin-  
tendents.

(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;

General  
super-  
vision of  
hospital.

(b) Appoint, by and with the consent of the board of managers, assistant physicians, one of whom shall be a woman; *provided*, that there are three other assistant physicians; and internes, the number to be determined by the commission, as follows:

Appoint-  
ments by  
medical  
superin-  
tendent.

1. A first assistant physician, who shall be well educated in his profession, a graduate of an incorporated medical college, of good moral character, experienced in the treatment of mental diseases, and who shall have been engaged in the actual practice of his profession for five years immediately preceding the date of his appointment;

First assist-  
ant phy-  
sician.

2. A second assistant physician, who shall be well educated in his profession, a graduate of an incorporated medical college, of good moral character, experienced in the treatment of men-

Second as-  
sistant  
physician.

tal diseases, and who shall have been engaged in the actual practice of his profession for not less than four years immediately preceding the date of his appointment;

Other assistants.

3. Assistants, other than the first and second, and internes, who shall be well educated in their profession, graduates of an incorporated medical college, 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;

Homeopathic appointments.

4. At the homeopathic state hospital, a first and second and other assistant physicians, an interne, each a graduate of an incorporated college of the homeopathic school of medicine. They shall be of good moral character, and shall possess the same qualifications hereinbefore required of assistants and internes, respectively, in the other hospitals.

Salaries.

The salary of medical superintendents shall not exceed three thousand five hundred dollars per annum; that of first assistant physicians, three thousand dollars per annum; that of assistant physicians other than first assistant physicians, two thousand five hundred dollars per annum; and that of internes, six hundred dollars each per annum.

Supervisor, matron, and steward.

5. A supervisor, matron, and steward, and all employés, none of whom shall be his relative or that of any member of the board of managers by either consanguinity or marriage, 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 general superintendent of state hospitals, subject to the approval of the commission;

Removals for cause.

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.

Shall not take part in politics. Resident officers.

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;

(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  
superin-  
tendent.

(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 instructions 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;

(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, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, 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

Powers and  
duties of  
medical  
superintend-  
ent.

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;

(k) Prepare monthly 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 required for the hospital of which he is superintendent for the ensuing month. The commission may revise these estimates for supplies, either as to the quality, quantity, or price 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. 4. Section eight of the above-mentioned and described act is hereby amended so as to read as follows:

Commission shall  
fix salaries.

Section 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, the assistant physicians and stewards, 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.

Other allow-  
ances.

## CHAPTER CXXIX.

*An act to add three new sections to an act entitled "An act to establish a Political Code," approved March 12, 1872, to be numbered, respectively, sections two hundred and forty-eight, two hundred and forty-nine, and two hundred and fifty, relating to the committees of the respective houses of the legislature, and to the duties of the judiciary and standing committees thereof.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Three new sections are hereby added to the said act entitled "An act to establish a Political Code," to be numbered, respectively, sections two hundred and forty-eight, two hundred and forty-nine, and two hundred and fifty, to read as follows:

248. All standing committees of the senate and assembly shall be appointed by the presiding officer of the respective houses; *provided*, that each house may by resolution, or the rules thereof, direct otherwise.

249. The rules of each house may prescribe the duties of each committee thereof. In addition to the duties that may thus be prescribed, it shall be the duty of the judiciary committee of each house, whenever a bill drawn in the form of a general law is recommended for passage, either as introduced, or as amended by such committee, if it relates to and should form part of any subject contained in either one or more of the codes of this state, to accompany such recommendation with a substitute, or substitutes therefor, containing a suitable title and the provisions of such bill in codified form, and numbered so as to indicate in what code, and what part thereof, it is proposed to insert the same in case of enactment.

250. When any standing committee of the senate or assembly, other than the judiciary committee thereof, favorably report any bill referred thereto, if such bill is in the form of a general law, the same shall be placed on file, retain its place thereon, and be referred to the judiciary committee, whereupon such committee must, if the bill relates to and should form part of any subject contained in either one or more of the codes of this state, codify the same, and within two days after such reference, unless additional time is granted, report a substitute or substitutes therefor in the manner provided in the preceding section.

#### CHAPTER CXXX.

*An act to provide for certain improvements and repairs at the state normal school at San José, and making an appropriation therefor.*

[Approved March 22, 1899.]

*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 five thousand dollars (\$5,000) to be expended by the board of trustees of the state normal school at San José, as follows: Three thousand dollars (\$3,000) of said amount to be used and expended for reseating the assembly hall, and two thousand dollars (\$2,000) of said amount to be used and expended for repiping said school building for fire and water purposes.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees for the amount appropriated by section one of this act, and the state treasurer

Appoint-  
ment of  
standing  
commit-  
tees of  
legislature.  
Duties of  
judiciary  
commit-  
tee.

Same.

Appropri-  
ation for  
improvements and  
repairs,  
San José  
normal  
school.

is hereby directed to pay the same out of the said appropriation.

SEC. 3. All bills of materials for such improvements and repairs shall be first audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect and be in force from and after July first, eighteen hundred and ninety-nine.

#### CHAPTER CXXXI.

*An act authorizing the governor and the attorney-general to purchase for the state of California certain lands in Humboldt bay, and making an appropriation therefor.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation for lands in Humboldt bay, to be purchased by the governor and attorney-general.

Description.

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of thirteen thousand dollars, to be paid to the governor and attorney-general, and to be expended by them, or so much thereof as may be necessary, in purchasing for the state of California, and in its name, the following described real property, to wit:

Beginning at a point twenty chains west of the center of section fifteen, township five north, of range one west, Humboldt base and meridian; thence south twenty-eight and seventy-nine one hundredths chains to the center of a slough; thence following the center of said slough north fifty-five degrees east one and ninety-four one hundredths chains; north seventy-three degrees east, ten and sixty one hundredths chains; south eighty-six and one half degrees east, six and fifty-nine one hundredths chains; north, fifty-four and one half degrees east, two and forty-two one hundredths chains, to the west line of the old D. R. Jones property; thence south, four and fifteen one hundredths chains; thence south, fifty-one and one half degrees west, twenty and forty-eight one hundredths chains, along the back line of the Excelsior Redwood Company; thence south, thirty-eight and one half degrees east, four and seventy one hundredths chains, to the outside line of tide and survey number sixty-six; thence south, sixty-one and one quarter degrees west, seven and seventy-five one hundredths chains to one eighth section line; thence south, thirteen one hundredths chains; south, seventy-three and one quarter degrees west, five and seventy one hundredths chains; south, seventy-six degrees west, fifteen and ten one hundredths chains, to section line and west end of tide land survey number sixty-nine; thence north one chain; thence south, seventy-six and one half degrees west,



five and twenty-three one hundredths chains; north, forty and one half degrees east, eleven and fifty-two one hundredths chains; north, thirty-three degrees west, two and sixty one hundredths chains; north, twenty-four and three quarters degrees east, thirty-two and sixty-five one hundredths chains; north, five and one half degrees east, five and ninety one hundredths chains; north, thirty-six and one half degrees east, eight chains, to the place of beginning, containing seventy-nine and sixty-seven one hundredths acres.

*Also, swamp and overflowed survey number 141.*

*Also.*

Township five north, range one west, Humboldt meridian. Island being the fractional south half of the southwest quarter and fractional southwest quarter of southeast quarter of section fourteen, and containing twenty and twenty-three one hundredths acres, and more particularly described on field notes as beginning at a point fourteen and eight one hundredths chains east of the southwest corner of section fourteen, township five north, range one west, Humboldt meridian; thence north, sixty degrees east, fourteen and twenty-six one hundredths chains; north, eighty-one and one half degrees east, thirteen and forty-five one hundredths chains; north, forty-one degrees east, six and forty one hundredths chains; north, twenty and one half degrees east, four and seventy one hundredths chains; north, eighty-five degrees west, twelve and sixty-seven one hundredths chains; south, sixty-two and one half degrees west, twelve and ninety one hundredths chains; south, thirty-three and one half degrees west, thirteen and forty-three one hundredths chains, to the place of beginning, containing twenty and twenty-three one hundredths acres.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount appropriated in section one of this act upon the execution of deeds conveying said land, 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 the first day of January, nineteen hundred.

## CHAPTER CXXXII.

*An act to provide for the payment of costs of suit in foreclosing delinquent purchasers of state school lands, and making an appropriation therefor.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four thousand three hundred and twenty-eight and fifty-seven one hundredths dollars is hereby appropriated, payable out of any moneys in the state treasury

Appropriation to pay costs in foreclosures state school lands.

not otherwise appropriated, to pay the following cost and expenses incurred in foreclosing delinquent purchasers of state school lands (the same having been approved by the state board of examiners): T. J. Fording, ten and twelve one hundredths dollars; M. L. Short, twenty-four and ninety-eight one hundredths dollars; E. Seawell, forty-two and fifty one hundredths dollars; W. H. Thornberg, twenty-five and ninety-seven one hundredths dollars; M. J. Barry, sixty-four and forty-one one hundredths dollars; C. E. McLaughlin, forty-three and ninety-five one hundredths dollars; M. R. Rose, one hundred and one and thirty-six one hundredths dollars; C. A. Storke, fifty-two and seventy-six one hundredths dollars; M. S. Sayre, thirty-six and seventy-one one hundredths dollars; Alvin Fay, eleven hundred and sixty-nine and seventy-six one hundredths dollars; P. E. Zabala, one hundred and twenty-six and ninety-three one hundredths dollars; John E. Raker, three hundred and twenty and forty one hundredths dollars; F. F. Oster, two hundred and sixty-seven and one one hundredths dollars; F. B. Daily, three hundred and fifty and four one hundredths dollars; L. Gill, four hundred and sixty-eight and forty one hundredths dollars; W. D. Tupper, one hundred and thirty-eight and fifty one hundredths dollars; A. G. Burnett, one hundred and six and seventy-nine one hundredths dollars; F. G. Ostrander, one hundred and three and thirty-eight one hundredths dollars; Alvin Snow, ninety-seven dollars; J. A. Donnell, one hundred and ten and ten one hundredths dollars; A. A. Sweet, one hundred and two and forty one hundredths dollars; J. J. Trabucco, sixty-six and ninety one hundredths dollars; F. A. Dorn, seventy-nine and seven one hundredths dollars; L. M. Burnell, eleven and sixty-five one hundredths dollars; H. L. Poplin, fourteen and eighty-seven one hundredths dollars; J. J. Snyder, one hundred and seventy-two and fifty-nine one hundredths dollars.

SEC. 2. The state controller is hereby authorized to draw his warrants for the sum herein made payable, and the treasurer of the state is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CXXXIII.

*An act to appropriate money to pay the directors of the California institute for the deaf, dumb, and blind, for the concrete guttering, culverting, and macadamizing of Warring street, in front of the lands of the institute of the deaf, dumb, and blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, superintendent of streets of the town of Berkeley, California, his authority having been acquired under the general street laws of this state.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two thousand one hundred and twenty-six dollars and sixty-eight cents (\$2,126.68) 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 concrete guttering, culverting and macadamizing of Warring street, 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 Hyde Chick, superintendent of streets of Berkeley, California, said Guy Hyde Chick acting under the general street law of the state of California.

Appropriation to pay claim of Oakland Paving Company.

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 two thousand one hundred and twenty-six dollars and sixty-eight cents (\$2,126.68), 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 CXXXIV.

*An act making an appropriation to pay the salaries of the employés of the commissioner of public works.*

[Approved March 22, 1899.]

*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 ninety dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the salaries of the employés of the commissioner of public works during

Appropriation to pay salaries of employes of commissioner of public works.

the forty-eighth fiscal year (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 hereby directed to pay the same.

SEC. 3. This act shall take effect on or after January first, nineteen hundred.

#### CHAPTER CXXXV.

*An act to appropriate money to pay the directors of the deaf, dumb, and blind asylum for the grading and curbing of Warring street, 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 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation  
to pay  
claim of  
George  
Stutt.

SECTION 1. The sum of six hundred and seventeen dollars and fifteen cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the directors of the deaf, dumb, and blind institute, for the grading and curbing of Warring street, in front of the property of the institute for the deaf, dumb, and blind at Berkeley, California, performed by George Stutt, 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.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant on the state treasury in favor of the said deaf, and dumb, and blind institute of Berkeley, by it to be paid to George Stutt, for said sum of six hundred and seventeen and fifteen one hundredths dollars, 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 CXXXVI.

*An act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk, and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons, firms or corporation, shall sell or offer for sale, or have in his or their possession for sale, any impure or unwholesome milk, or any article of food manufactured therefrom, or of any cream from the same, or milk drawn from cows, either fifteen days before or five days following parturition, or from cows fed on unwholesome food, or from cows affected with any disease of live stock, contagious, infectious, or otherwise capable of producing such pathological changes as will cause the products from said animals to become unwholesome for food.

Milk, sale of unwholesome, prohibited.

SEC. 2. It shall be the duty of the state dairy bureau, by its general agent and assistant agents, from time to time, as may be required, upon complaint made to it of the existence of any disease among dairy stock, or of unsanitary conditions, as mentioned and referred to in this act, to inspect all the dairies and creameries in the state so complained of, and to carefully investigate the sanitary conditions of the same. Said bureau, by its agents and assistant agents, shall at the same time inspect all cattle, horses, and hogs, belonging, in use by, or appurtenant to such dairies and creameries, for infectious and contagious diseases, such as are enumerated in section one of this act; and after such inspection, if said agent or assistant agents believes, or has reason to believe, that any contagious or infectious disease exists among the stock inspected, he shall immediately notify the state veterinarian of the same, setting forth the facts of the case, and he shall forthwith act upon such report.

State dairy bureau to inspect dairies.

SEC. 3. The state dairy bureau shall, and they are hereby directed to appoint, from time to time, as many assistant agents, not exceeding twenty, as in their judgment may be required to carry out the provisions of this act, and to fix their compensation, not to exceed four dollars per day while actually employed, exclusive of their actual and necessary expenses. Whenever competent assistant agents can be found in counties or districts where such inspection is to be made, the state dairy bureau, by its general agent, shall appoint an assistant agent as inspector, who is not an owner of nor interested in any dairy, subject to the approval of the bureau, and such

Bureau to appoint agents.

Agents not to be interested in any dairy.

appointment shall be entered on the minutes of the bureau; *provided*, that such assistant agent shall have had practical experience in the manufacture of dairy products and the care and handling of stock

Expense  
account.

SEC. 4. All persons employed by the bureau to carry out the provisions of this act shall render, under oath, to the state dairy bureau, on or before the fifth day of each and every month, an itemized statement of the number of days they were actually employed during the preceding month; also, an itemized statement of their actual expenses, with receipted vouchers attached thereto, for all sums exceeding one dollar, excepting railroad fares.

State veter-  
inarian to  
order ani-  
mals slaugh-  
tered

SEC. 5. Whenever in the judgment of the state veterinarian it shall for the purposes of this act be necessary to slaughter any animal or animals reported to him by said agent or assistant agent, he shall certify his reasons therefor to the agent ordering such inspection. The agent or assistant agent shall notify the owner or owners, or the person or persons in charge of the animal or animals, of the decision of said state veterinary surgeon, and shall order the animal or animals specified in the veterinary surgeon's certificate to be slaughtered immediately. Any animal or animals so slaughtered shall not be sold or removed, but shall be destroyed at the expense of the owner or owners, or the person or persons in charge of such animal or animals, under the direction and supervision of the agent or assistant agent ordering the animal or animals slaughtered, as may be specified by the state veterinarian.

Animals  
to be  
destroyed.

Agent to  
give writ-  
ten in-  
structions  
of neces-  
sary  
changes in  
inspected  
premises

SEC. 6. Whenever the agent or assistant agents of the bureau inspects any dairy, creamery, or any other place where milk is produced, or where products are manufactured from the same, including barns, corrals, hog yards, and places used for stock purposes, and utensils used in dairies and creameries, and finds the same not in good sanitary condition, he shall direct in writing such changes to be made as will put the same in good sanitary condition. Such written directions shall be served on the owner or owners, or upon the person or persons having charge of the premises, giving the parties so notified thirty days to make such changes as directed. If such changes are not made within thirty days, the person or persons refusing or neglecting to make such changes as directed shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as hereinafter prescribed.

Duty of  
bureau in  
re conta-  
gious or  
infectious  
diseases.

SEC. 7. Whenever any infectious or contagious disease affecting dairy stock shall be brought into or break out in this state, the state dairy bureau, by its agent and assistant agents, shall take prompt measures to suppress the same, and to prevent such disease from spreading, and for that purpose shall immediately notify the state veterinarian, and he shall forthwith inspect the matters so reported and act thereon.

Corrals.

SEC. 8. The agent or assistant agents shall also have the power to require each and every person, firm or corporation, having any stock in his or their possession, or under his or

their control, to drive the same into corrals or small inclosures, for the purpose of inspection. Said agent shall give at least twenty-four hours' notice to the parties, of the time he requires such stock to be corralled; *provided*, that where it is impracticable to corral stock on large stock ranges, the owner or the person or persons having control of the same shall go with the agent or send some person to point out the stock to be inspected.

SEC. 9. It shall be the duty of the district attorney of each and every county of this state, upon application of the agent or assistant agents of the state dairy bureau, to attend to the prosecution, in the name of the state, of any action brought for the violation of any of the provisions of this act, within his district.

Duty of district attorneys.

SEC. 10. Any person or persons, firms or corporations, refusing or neglecting to comply with or conform to the provisions of this act, when required to do so by the agent or assistant agents of the state dairy bureau, or who shall in any manner interfere with them in the performance of their duties under this act, shall be guilty of a misdemeanor. Whoever shall violate any of the provisions or sections of this act shall be guilty of a misdemeanor. All fines collected under the provisions of this act shall be paid to the agent of the state dairy bureau, and by said bureau paid into the state treasury.

Penalty for refusal to comply.

SEC. 11. For the purpose of obtaining accurate information regarding the dairy industries of the state, the dairy bureau shall annually require in writing from each owner or manager of a dairy, owning or controlling any dairy stock exceeding one dozen cows in number, a report showing location of dairy, number and breed of all dairy stock in use or appurtenant thereto, together with such other pertinent information as said bureau may require. Information thus obtained shall be embraced in the annual report of the dairy bureau.

Bureau to collate information.

SEC. 12. It shall be the duty of the state dairy bureau now provided by law, by its general agent, to enforce the provisions of this act. Such agent shall receive an additional salary of fifty dollars per month, payable out of the money appropriated for the enforcement of this act.

General agent of bureau. Salary

SEC. 13. There is hereby appropriated for the use of the state dairy bureau, in enforcing and carrying out the provisions of this act, out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars (\$1,000) for the remainder of the fiftieth fiscal year; three thousand seven hundred and fifty dollars (\$3,750) for the first six months of the fifty-first fiscal year; three thousand seven hundred and fifty dollars (\$3,750) for the last six months of the fifty-first fiscal year; and five thousand dollars (\$5,000) for the fifty-second fiscal year.

Appropriations.

SEC. 14. All salaries, fees, costs, and expenses shall be drawn from the money so appropriated, and the state controller shall draw his warrant on the state treasury in favor of the person or persons entitled to the same; *provided*, that the state board of examiners are hereby specially prohibited

Prohibitions.

from granting or allowing any deficiency to the state dairy bureau for the purposes of this act; and provided further, that in no event shall there be more agents or assistant agents employed, or expenses incurred under this act than the appropriations herein made will pay for the respective periods for which they are made.

SEC. 15. This act shall take effect immediately.

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#### CHAPTER CXXXVII.

*An act to appropriate the sum of \$21.50 to pay the claim of M. G. Barrett for money due and owing the said M. G. Barrett from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of M. G. Barrett.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-one dollars and fifty cents, to pay the claim of M. G. Barrett, the said sum of twenty-one dollars and fifty cents being now due and owing from the state of California to the said M. G. Barrett.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said M. G. Barrett for the said sum of twenty-one dollars and fifty cents, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

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#### CHAPTER CXXXVIII.

*An act to provide for certain improvements and repairs at the state normal school at Los Angeles, and making an appropriation therefor.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to make certain improvements at Los Angeles normal school.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the trustees of the state normal school at Los Angeles as follows: For the moving of the gymnasium and the constructing of two stories for school purposes under it; for relighting the lower floor of the main building; for furnishing the new rooms constructed in the gymnasium building.



SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant for the said amount as the work shall progress, in favor of the board of trustees of said state normal school at Los Angeles, upon their requisition for the same, and the treasurer is hereby directed to pay such warrants; *provided*, that none of the sum hereby appropriated shall become available or be paid until January first, nineteen hundred.

SEC. 3. This act shall take effect immediately.

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### CHAPTER CXXXIX.

*An act appropriating \$45,000 to complete one wing of, and equip the building now being constructed for the use of the state normal school of San Diego, California.*

[Approved March 22, 1899.]

*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 forty-five thousand dollars, to be expended by the board of trustees of the state normal school of San Diego, California, in completing one wing of, and equipping the building now being constructed for the use of said state normal school.

Appropriation to complete wing and equip San Diego normal school.

SEC. 2. The state controller is hereby directed to draw his warrants for the sum in this act appropriated, in favor of the trustees of the said state normal school of San Diego, upon their requisition for the same, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect the first day of January, nineteen hundred.

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### CHAPTER CXL.

*An act to provide for certain improvements at the Southern California state hospital, and making an appropriation therefor.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of forty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the order of the board of managers of the Southern California state hospital, as follows, to wit: For the erection of a wing to the main building (or cottages) for ward purposes, and for furnishing the same,

Appropriation for improvements in Southern California state hospital.

forty thousand dollars; and for the erection of a residence for the medical superintendent and for furnishing the same, five thousand dollars.

Advertisement for bids.

SEC. 2. No contract for lumber, iron, machinery, materials, or labor to be used for the purposes mentioned in section one of this act, shall be entered into by the board of managers until publication shall be made in two daily papers of general circulation in the city and county of San Francisco, one in the city of Sacramento, and two in the city of Los Angeles, for at least thirty days prior thereto, inviting bids for the supplying of such materials or labor. Such bids, made in the form of sealed proposals, shall be opened at a public meeting of the board of managers, and the contract shall be awarded to the lowest responsible bidder for the supplying of such materials and labor.

Approval of bills.

SEC. 3. All bills for material and machinery shall be audited by the board of managers, and approved by the state board of examiners before being paid.

Sanction of state lunacy commission.

SEC. 4. All plans, descriptions, bills of materials, specifications, and estimates requisite, necessary, proper or convenient, for any of the purposes aforesaid, shall receive the sanction of a majority of the state commission in lunacy, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of materials, specifications, and estimates have been approved, and it shall not be necessary to obtain the approval or sanction of any other board of officers or person of said plans, descriptions, bills of materials, specifications or estimates.

SEC. 5. 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.

How money may be drawn.

SEC. 6. The amounts herein appropriated for the purchase of furniture and furnishing the buildings erected by the board of managers of said hospital may be drawn in one sum, or in such sums as the board of managers of said hospital may desire.

SEC. 7. In no case shall the board of managers of said hospital use any moneys herein specifically appropriated for any purpose other than the one for which such appropriation is made.

SEC. 8. This act shall take effect and be in force January first, nineteen hundred.

## CHAPTER CXLI.

*An act to establish a state normal school in the city and county of San Francisco, state of California, and making an appropriation of \$20,000.*

[Approved March 22, 1896.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be a state normal school established in the city and county of San Francisco, state of California, to be called the San Francisco state normal school, for the training and educating of teachers and others in the art of instructing and governing the public schools of this state. To establish normal school in San Francisco.

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 normal school. Board of trustees.

SEC. 3. The said trustees shall, within sixty days after their appointment, establish and cause to be opened and carried on in said city and county of San Francisco the said normal school, and shall provide suitable accommodations for the same, and may accept from the said city and county of San Francisco, or from the board of education thereof, a building or buildings for the use of said school. Duties of trustees.

SEC. 4. The said state normal school shall be governed by the laws governing the present state normal schools of this state, and the terms of office of said trustees shall be the same as the terms of trustees of the said other state normal schools. Terms of trustees.

SEC. 5. The sum of twenty thousand dollars, not more than one half of which shall be available in the fifty-first fiscal year, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for establishing and maintaining said state normal school of San Francisco, and providing suitable accommodations therefor. Appropriation.

SEC. 6. The controller of state shall draw his warrant or warrants for said amount as required in favor of said trustees.

SEC. 7. This act shall take effect immediately.

## CHAPTER CXLII.

*An act amending the Civil Code of the state of California by adding thereto a new section, to be numbered four hundred and ninety-four, authorizing the sale by any railroad company owning any railroad in this state of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this state or of any other state or territory, or under any act of congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.*

[Approved March 22, 1899]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code of the state of California, numbered section four hundred and ninety-four, to read as follows:

Railroad  
corpora-  
tion may  
sell prop-  
erty and  
franchise  
to other  
railroads

PROVISOR.

494. Any railroad corporation owning any railroad in this state may sell, convey and transfer its property and franchises, or any part thereof, to any other railroad corporation, whether organized under the laws of this state or of any other state or territory, or under any act of congress; and any other such railroad corporation receiving such conveyance may hold and operate such railroad franchises and property within this state, build and operate extensions and branches thereof, and thereunto exercise the right of eminent domain, and do any other business in connection therewith, as fully and effectually to all intents and purposes as if such corporation were organized under the laws of this state; *provided*, that such sale, conveyance and transfer shall be made within three years from the date this act shall take effect; *and provided further*, that before such sale, conveyance or transfer shall become operative, an agreement in writing must be executed by the parties thereto, containing the terms and conditions of the purchase and sale, and its execution must be authorized by the board of directors and ratified by three fourths of the stockholders of each of the railroad companies that are parties to such conveyance and transfer, and said agreement or conveyance shall be recorded in each county through which said road or roads pass in this state; *and provided further*, that no sale, conveyance or transfer under this act shall relieve the franchise or property sold, conveyed or transferred from the liability of the grantor contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges; *provided*, that this section shall not authorize any corporation to purchase any railroad property operated in competition with it; *and provided, however*, corporations operating any railroad or part of a railroad under lease shall be entitled to purchase such leased property (whether competitive or otherwise) under

the provisions and subject to the conditions of this act; *and provided further*, that any or all established rates for fares and tolls for carrying passengers or freight between any points upon any railroad purchased under the provisions of this act, shall not be increased without the consent of the governmental authority in which is vested by law the power to regulate fares and freights; *and provided further*, that whenever a railroad corporation, which has purchased any line of road under this act, 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 upon such line purchased, 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; *and provided further*, that for every violation of the provisions of this act on the part of directors, or other governing officers of said corporation, the state shall be entitled to recover from such offending railroad company the sum of ten thousand dollars. It is hereby declared to be the duty of the attorney-general of the state, in the event of any such violation, to demand and collect from such company the said penalty; and he is hereby authorized and empowered to prosecute all the necessary actions in the name of the people of the state of California against such company in the courts of the state. All money so collected shall be paid into the general fund of this state.

Fares and  
freights.

Penalty for  
violating  
act.

SEC. 2. This act shall take effect immediately.

#### CHAPTER CXLIII.

*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 March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two thousand two hundred and forty-two dollars and eighty cents (\$2,242.80) 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 amount herein specified, and the state treasurer is directed to pay the same.

Appropriation to  
pay claim  
of Clement  
Bennett.

SEC. 2. This act shall take effect on the first day of January, nineteen hundred.

## CHAPTER CXLIV.

*An act appropriating the sum of five thousand (\$5,000) for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the state capitol.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to repair tiling and steam pipe work, state capitol.

SECTION 1. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the secretary of state in putting in concrete foundation, tiling corridors, and resetting steam pipes and heaters on the second floor of the state capitol.

SEC. 2. The state controller is hereby authorized to draw his warrants for the money in this act appropriated, in favor of the secretary of state, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect from and after July first, one thousand eight hundred and ninety-nine.

## CHAPTER CXLV.

*An act to appropriate the sum of \$1,000 to pay the claim of John C. Pelton for money due and owing the said John C. Pelton from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of John C. Pelton.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars to pay the claim of John C. Pelton; the said sum of one thousand dollars being now due and owing from the state of California to the said John C. Pelton.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said John C. Pelton for the sum of one thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall have full force and effect from and after January first, nineteen hundred.

## CHAPTER CXLVI.

*An act making an appropriation to pay the deficiency in the adult blind fund, and directing the controller and treasurer to transfer the amount herein appropriated from the general fund to said adult blind fund.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of six thousand dollars to pay the deficiency in the adult blind fund (as evidenced by claims approved by the state board of examiners, and now on file and remaining unpaid). Appropriation to pay deficiency in adult blind fund.

SEC. 2. The controller and treasurer are hereby authorized and directed to transfer from the general fund to said adult blind fund the amount herein appropriated for the purposes of this act.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXLVII.

*An act to appropriate the sum of \$250 to pay the claim of Democratic Printing House (Leake) for money due and owing the said Democratic Printing House (Leake) from the state of California.*

[Approved March 22, 1899.]

*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 two hundred and fifty dollars to pay the claim of Democratic Printing House (Leake), the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said Democratic Printing House (Leake). Appropriation to pay claim of Democratic Printing House.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Democratic Printing House (Leake) for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXLVIII.

*An act making an appropriation to pay the claim of Office Specialty Manufacturing Company for metallic furniture furnished the office of the clerk of the supreme court at Sacramento.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Specialty Manufacturing Co.

SECTION 1. The sum of twenty-five hundred dollars (\$2,500.00) is hereby appropriated to pay the claim of Office Specialty Manufacturing Company for metallic furniture furnished the office of the clerk of the supreme court at the city of Sacramento, the same being furnished under a deficiency created by the state board of examiners and approved by said board of examiners, and the state controller is hereby authorized to draw his warrant for the same, and the state treasurer directed to pay the same.

SEC. 2. This act shall take effect January first, nineteen hundred.

## CHAPTER CXLIX.

*An act to amend section five of "An act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Price of swamp and overflowed land.

SECTION 1. Section five (5) of "An act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March twenty-fourth, eighteen hundred and ninety-three, is hereby amended to read as follows:

Section 5. The lands designated in this act shall be sold and patented at the price of two dollars and fifty cents per acre and on the same terms and manner of payment as at present provided for swamp and overflowed lands. All moneys received for said lands shall be paid into the swamp land fund of the county in which the lands are situated, and shall be treated and disposed of in the same manner as moneys arising from the sale of segregated swamp and overflow lands, and all moneys heretofore received for the sale of such lands, and remaining in the treasury, shall be subject to the same provisions of law. If any of the lands described in this act are



suitable for cultivation without reclamation, such lands shall be sold only to actual settlers in tracts not exceeding one hundred and sixty acres.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CL.

*An act to promote the safety of employés and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within the state, for the conveyance of passengers, propelled by means of wire ropes attached to stationary engines, or by electricity or compressed air, shall run, operate, or use, any car, or dummy, unless each car, and dummy, while in use, shall have a suitable fender, or appliance placed in front or attached to trucks of such dummy, or car, for the purpose of removing and clearing obstructions from the track, and preventing any obstacles, obstructions, or person, on the track, from getting under said dummy, or car, and remove the same out of danger, and out of the way of said dummy, or car. And no person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within the state, for the conveyance of passengers, shall run, operate, or use any such car, unless each car, while in use, shall be fitted with a brake capable of bringing such car to a stop within a reasonable distance; *provided*, that where the board of supervisors of any county or of any city and county, or the city council or other governing body of any city, shall, by ordinance, order, or resolution, prescribe the fender or brake to be used as aforesaid, then a compliance with such ordinance, order, or resolution shall be deemed a full compliance with the provisions of this section.

Street cars must be provided with fenders and brakes.

SEC. 2. Every such person, company, or corporation, which hauls, or permits to be hauled, or used on its line, any car, or dummy, in violation of the provisions of this act, shall be guilty of a misdemeanor.

Penalty.

SEC. 3. This act shall take effect on and after the first day of July, eighteen hundred and ninety-nine.

## CHAPTER CLI.

*An act to appropriate the sum of \$185 to pay the claim of Clark & Sharp for money due and owing the said Clark & Sharp from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Clark & Sharp.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and thirty-five dollars to pay the claim of Clark & Sharp, the said sum of one hundred and thirty-five dollars being now due and owing from the state of California to the said Clark & Sharp.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Clark & Sharp for the said sum of one hundred and thirty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLII.

*An act to appropriate the sum of \$150 to pay the claim of Thomas M. Menihan for money due and owing the said Thomas M. Menihan from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Thomas M. Menihan.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of Thomas M. Menihan, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Thomas M. Menihan.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Thomas M. Menihan for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLIII.

*An act to appropriate the sum of \$75 to pay the claim of Butchers' and Stock-Growers' Journal, for money due and owing the said Butchers' and Stock-Growers' Journal from the state of California.*

[Approved March 22, 1899.]

*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 seventy-five dollars to pay the claim of Butchers' and Stock-Growers' Journal, the said sum of seventy-five dollars being now due and owing from the state of California to the said Butchers' and Stock-Growers' Journal.

Appropriation to pay claim of Butchers' and Stock-Growers' Journal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Butchers' and Stock-Growers' Journal for the said sum of seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLIV.

*An act to appropriate the sum of \$125 to pay the claim of Blue Lake Advocate for money due and owing the said Blue Lake Advocate from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and twenty-five dollars to pay the claim of Blue Lake Advocate, the said sum of one hundred and twenty-five dollars being now due and owing from the state of California to the said Blue Lake Advocate.

Appropriation to pay claim of Blue Lake Advocate.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Blue Lake Advocate for the said sum of one hundred and twenty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLV.

*An act to appropriate the sum of \$150 to pay the claim of J. L. Childs, for money due and owing the said J. L. Childs from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of J. L. Childs.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of J. L. Childs, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said J. L. Childs.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the said J. L. Childs for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLVI.

*An act to appropriate the sum of \$250 to pay the claim of Alfred Harrell for money due and owing the said Alfred Harrell from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Alfred Harrell.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars to pay the claim of Alfred Harrell, the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said Alfred Harrell.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Alfred Harrell for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLVII.

*An act to appropriate the sum of \$3,400 to pay the claim of San Francisco Call for money due and owing the said San Francisco Call from the state of California.*

[Approved March 22, 1899.]

*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 three thousand four hundred dollars to pay the claim of San Francisco Call, the said sum of three thousand four hundred dollars being now due and owing from the state of California to the said San Francisco Call.

Appropriation to pay claim of San Francisco Call.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Call for the said sum of three thousand four hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLVIII.

*An act to appropriate the sum of \$300 to pay the claim of J. B. Sanford for money due and owing the said J. B. Sanford from the state of California.*

[Approved March 22, 1899.]

*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 three hundred dollars to pay the claim of J. B. Sanford; the said sum of three hundred dollars being now due and owing from the state of California to the said J. B. Sanford.

Appropriation to pay claim of J. B. Sanford.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said J. B. Sanford for the said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLIX.

*An act to appropriate the sum of \$250 to pay the claim of A. A. Taylor for money due and owing the said A. A. Taylor from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of A. A. Taylor.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars to pay the claim of A. A. Taylor, the said sum of two hundred and fifty dollars being now due and owing the said A. A. Taylor from the state of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said A. A. Taylor for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLX.

*An act to appropriate the sum of \$100 to pay the claim of the Willows Promoter for money due and owing the said Willows Promoter from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Willows Promoter.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred dollars to pay the claim of the Willows Promoter, the said sum of one hundred dollars being now due and owing from the state of California to the said Willows Promoter.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Willows Promoter for the said sum of one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXI.

*An act to appropriate the sum of \$250 to pay the claim of the Town Talk Publishing Company for money due and owing the said Town Talk Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 two hundred and fifty dollars to pay the claim of the Town Talk Publishing Company, the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said Town Talk Publishing Company.

Appropriation to pay claim of Town Talk Publishing Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Town Talk Publishing Company for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXII.

*An act to appropriate the sum of \$225 to pay the claim of the Napa Journal for money due and owing the said Napa Journal from the state of California.*

[Approved March 22, 1899.]

*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 two hundred and twenty-five dollars to pay the claim of the Napa Journal, the said sum of two hundred and twenty-five dollars being now due and owing from the state of California to the said Napa Journal.

Appropriation to pay claim of Napa Journal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Napa Journal for the said sum of two hundred and twenty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXIII.

*An act to appropriate the sum of \$1,164 to pay the claim of James McClatchy & Co. for money due and owing the said James McClatchy & Co. from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of James McClatchy & Co.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of eleven hundred and sixty-four dollars to pay the claim of James McClatchy & Co., the said sum of eleven hundred and sixty-four dollars being now due and owing from the state of California to the said James McClatchy & Co.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said James McClatchy & Co. for the said sum of eleven hundred and sixty-four dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXIV.

*An act to appropriate the sum of \$300 to pay the claim of San Francisco News Letter for money due and owing the said San Francisco News Letter from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of San Francisco News Letter.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred dollars to pay the claim of San Francisco News Letter, the said sum of three hundred dollars being now due and owing from the state of California to the said San Francisco News Letter.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco News Letter for the said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.



## CHAPTER CLXV.

*An act to appropriate the sum of \$1,100 to pay the claim of W. A. Spaulding for money due and owing the said W. A. Spaulding from the state of California.*

[Approved March 22, 1899.]

*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 one thousand one hundred dollars to pay the claim of W. A. Spaulding, the said sum of one thousand one hundred dollars being now due and owing from the state of California to the said W. A. Spaulding.

Appropriation to pay claim of W. A. Spaulding.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said W. A. Spaulding for the said sum of one thousand one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXVI.

*An act to appropriate the sum of \$1,000 to pay the claim of California Demokrat for money due and owing the said California Demokrat from the state of California.*

[Approved March 22, 1899.]

*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 one thousand dollars to pay the claim of California Demokrat, the said sum of one thousand dollars being now due and owing from the state of California to the said California Demokrat.

Appropriation to pay claim of California Demokrat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said California Demokrat for the said sum of one thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXVII.

*An act to appropriate the sum of \$400 to pay the claim of the Daily Encinal for money due and owing the said Daily Encinal from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Daily Encinal.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four hundred dollars to pay the claim of the Daily Encinal, the said sum of four hundred dollars being now due and owing from the state of California to the said Daily Encinal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily Encinal for the said sum of four hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXVIII.

*An act to appropriate the sum of \$575 to pay the claim of James H. Barry for money due and owing to the said James H. Barry from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of James H. Barry.

SECTION 1. The sum of five hundred and seventy-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of James H. Barry, the said sum of five hundred and seventy-five dollars being now due and owing from the state of California to said James H. Barry.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said James H. Barry for the said sum of five hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXIX.

*An act to appropriate the sum of \$600 to pay the claim of Herald Publishing Company for money due and owing the said Herald Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 six hundred dollars to pay the claim of the Herald Publishing Company, the said sum of six hundred dollars being now due and owing from the state of California to the said Herald Publishing Company. Appropriation to pay claim of Herald Publishing Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Herald Publishing Company for the said sum of six hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXX.

*An act to appropriate the sum of \$120 to pay the claim of the Chico Daily Record for money due and owing the said the Chico Daily Record from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and twenty dollars to pay the claim of the Chico Daily Record, the said sum of one hundred and twenty dollars being now due and owing from the state of California to the said the Chico Daily Record. Appropriation to pay claim of Chico Daily Record.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said the Chico Daily Record for the said sum of one hundred and twenty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXI.

*An act to appropriate the sum of \$150 to pay the claim of M. F. McFarland for money due and owing the said M. F. McFarland from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of M. F. McFarland.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of M. F. McFarland, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said M. F. McFarland.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said M. F. McFarland for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXII.

*An act to appropriate the sum of \$150 to pay the claim of Williams Farmer for money due and owing the said Williams Farmer from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Williams Farmer.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of Williams Farmer, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Williams Farmer.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Williams Farmer for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXIII.

*An act to appropriate the sum of \$100 to pay the claim of Events for money due and owing the said Events from the state of California.*

[Approved March 22, 1899.]

*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 one hundred dollars to pay the claim of Events, the said sum of one hundred dollars being now due and owing from the state of California to the said Events. Appropriation to pay claim of Events.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Events for the said sum of one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXIV.

*An act to appropriate the sum of \$150 to pay the claim of Gonzales Tribune for money due and owing the said Gonzales Tribune from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fifty dollars to pay the claim of Gonzales Tribune, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Gonzales Tribune. Appropriation to pay claim of Gonzales Tribune.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Gonzales Tribune for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXV.

*An act to appropriate the sum of \$150 to pay the claim of W. D. Pennycook for money due and owing the said W. D. Pennycook from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of W. D. Pennycook.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of W. D. Pennycook, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said W. D. Pennycook.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said W. D. Pennycook for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXVI.

*An act to appropriate the sum of \$175 to pay the claim of Shasta County Democrat for money due and owing the said Shasta County Democrat from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Shasta County Democrat.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and seventy-five dollars to pay the claim of the Shasta County Democrat, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Shasta County Democrat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Shasta County Democrat for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXVII.

*An act to appropriate the sum of \$175 to pay the claim of Trinity Journal for money due and owing the said Trinity Journal from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of Trinity Journal, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Trinity Journal.

Appropriation to pay claim of Trinity Journal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Trinity Journal for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXVIII.

*An act to appropriate the sum of \$100 to pay the claim of M. C. Dufficy for money due and owing the said M. C. Dufficy from the state of California.*

[Approved March 22, 1899.]

*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 one hundred dollars to pay the claim of M. C. Dufficy, the said sum of one hundred dollars being now due and owing from the state of California to the said M. C. Dufficy.

Appropriation to pay claim of M. C. Dufficy.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said M. C. Dufficy for the said sum of one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXIX.

*An act to appropriate the sum of \$100 to pay the claim of Phil B. Dankey for money due and owing the said Phil B. Dankey from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Phil B. Dankey.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred dollars to pay the claim of Phil B. Dankey, the said sum of one hundred dollars being now due and owing from the state of California to the said Phil B. Dankey.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Phil B. Dankey for the said sum of one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXX.

*An act to appropriate the sum of \$300 to pay the claim of E. C. Rust for money due and owing the said E. C. Rust from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of E. C. Rust.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred dollars to pay the claim of E. C. Rust, the said sum of three hundred dollars being now due and owing from the state of California to the said E. C. Rust.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said E. C. Rust for the said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.



## CHAPTER CLXXXI.

*An act to appropriate the sum of \$200 to pay the claim of The Capital for money due and owing the said The Capital from the state of California.*

[Approved March 22, 1899.]

*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 two hundred dollars to pay the claim of The Capital, the said sum of two hundred dollars being now due and owing from the state of California to the said The Capital. Appropriation to pay claim of The Capital.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Capital for the said sum of two hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXII.

*An act to appropriate the sum of \$175 to pay the claim of Petaluma Printing Company for money due and owing the said Petaluma Printing Company from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of Petaluma Printing Company, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Petaluma Printing Company. Appropriation to pay claim of Petaluma Printing Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Petaluma Printing Company for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXIII.

*An act to appropriate the sum of \$50 to pay the claim of McNab & Cassiday for money due and owing the said McNab & Cassiday from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of McNab & Cassiday.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifty dollars to pay the claim of McNab & Cassiday, the said sum of fifty dollars being now due and owing from the state of California to the said McNab & Cassiday.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said McNab & Cassiday for the said sum of fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXIV.

*An act to appropriate the sum of \$150 to pay the claim of Big Valley Gazette for money due and owing the said Big Valley Gazette from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Big Valley Gazette.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of Big Valley Gazette, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Big Valley Gazette.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Big Valley Gazette for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXV.

*An act to appropriate the sum of \$350 to pay the claim of the Appeal Publishing Company for money due and owing the said Appeal Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 three hundred and fifty dollars to pay the claim of the Appeal Publishing Company, the said sum of three hundred and fifty dollars being now due and owing from the state of California to the said Appeal Publishing Company. Appropriation to pay claim of Appeal Publishing Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Appeal Publishing Company for the said sum of three hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXVI.

*An act to appropriate the sum of \$114 to pay the claim of Fullerton Tribune for money due and owing the said Fullerton Tribune from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fourteen dollars to pay the claim of Fullerton Tribune, the said sum of one hundred and fourteen dollars being now due and owing from the state of California to the said Fullerton Tribune. Appropriation to pay claim of Fullerton Tribune.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Fullerton Tribune for the said sum of one hundred and fourteen dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXVII.

*An act to appropriate the sum of \$150 to pay the claim of the Mountain Messenger for money due and owing the said Mountain Messenger from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Mountain Messenger.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of said Mountain Messenger, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Mountain Messenger.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Mountain Messenger for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXVIII.

*An act to appropriate the sum of \$180 to pay the claim of L. F. Eastin for money due and owing the said L. F. Eastin from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of L. F. Eastin.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and eighty dollars to pay the claim of L. F. Eastin, the said sum of one hundred and eighty dollars being now due and owing from the state of California to the said L. F. Eastin.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said L. F. Eastin for the said sum of one hundred and eighty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CLXXXIX.

*An act to appropriate the sum of \$150 to pay the claim of the Merced Star for money due and owing the said The Merced Star from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fifty dollars to pay the claim of The Merced Star, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said The Merced Star.

Appropriation to pay claim of Merced Star.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Merced Star for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXC.

*An act to appropriate the sum of \$2,000 to pay the claim of Evening Post Publishing Company for money due and owing the said Evening Post Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 two thousand dollars to pay the claim of Evening Post Publishing Company, the said sum of two thousand dollars being now due and owing from the state of California to the said Evening Post Publishing Company.

Appropriation to pay claim of Evening Post.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Evening Post Publishing Company for the said sum of two thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCI.

*An act to appropriate the sum of \$180 to pay the claim of John McGonigle for money due and owing the said John McGonigle from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of John McGonigle.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and eighty dollars to pay the claim of John McGonigle, the said sum of one hundred and eighty dollars being now due and owing from the state of California to the said John McGonigle.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said John McGonigle for the said sum of one hundred and eighty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCII.

*An act to appropriate the sum of \$150 to pay the claim of the Inyo Independent for money due and owing the said Inyo Independent from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Inyo Independent.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of the Inyo Independent, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Inyo Independent.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Inyo Independent for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCIH.

*An act to appropriate the sum of \$100 to pay the claim of E. M. Sehorn for money due and owing the said E. M. Sehorn from the state of California.*

[Approved March 22, 1899]

*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 one hundred dollars to pay the claim of E. M. Sehorn, the said sum of one hundred dollars being now due and owing from the state of California to the said E. M. Sehorn.

Appropriation to pay claim of E. M. Sehorn.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said E. M. Sehorn for the said sum of one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCIIV.

*An act to appropriate the sum of \$400 to pay the claim of Allen B. Lemmon for money due and owing the said Allen B. Lemmon from the state of California.*

[Approved March 22, 1899.]

*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 four hundred dollars to pay the claim of Allen B. Lemmon, the said sum of four hundred dollars being now due and owing from the state of California to the said Allen B. Lemmon.

Appropriation to pay claim of Allen B. Lemmon.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Allen B. Lemmon for the said sum of four hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCV.

*An act to appropriate the sum of \$400 to pay the claim of Argus Publishing Company for money due and owing the said Argus Publishing Company from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Argus Publishing Company.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four hundred dollars to pay the claim of Argus Publishing Company, the said sum of four hundred dollars being now due and owing from the state of California to the said Argus Publishing Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Argus Publishing Company for the said sum of four hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCVI.

*An act to appropriate the sum of \$750 to pay the claim of Daily Record Publishing Company, Stockton, for money due and owing the said Daily Record Publishing Company, Stockton, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Daily Record Publishing Company.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seven hundred and fifty dollars to pay the claim of Daily Record Publishing Company, Stockton, the said sum of seven hundred and fifty dollars being now due and owing from the state of California to the said Daily Record Publishing Company, Stockton.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily Record Publishing Company, Stockton, for the said sum of seven hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.



## CHAPTER CXCVII.

*An act to appropriate the sum of \$375 to pay the claim of Contra Costa Gazette for money due and owing the said Contra Costa Gazette from the state of California.*

[Approved March 22, 1899.]

*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 three hundred and seventy-five dollars to pay the claim of the Contra Costa Gazette, the said sum of three hundred and seventy-five dollars being now due and owing from the state of California to the said Contra Costa Gazette. Appropriation to pay claim of Contra Costa Gazette.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Contra Costa Gazette for the said sum of three hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCVIII.

*An act to appropriate the sum of \$150 to pay the claim of Daily and Weekly News, Red Bluff, for money due and owing the said Daily and Weekly News, Red Bluff, from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fifty dollars to pay the claim of Daily and Weekly News, Red Bluff, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Daily and Weekly News, Red Bluff. Appropriation to pay claim of Red Bluff News.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily and Weekly News, Red Bluff, for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CXCIX.

*An act to appropriate the sum of \$150 to pay the claim of Evening Transcript, San Bernardino, for money due and owing the said Evening Transcript, San Bernardino, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Evening Transcript.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars, to pay the claim of Evening Transcript, San Bernardino, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Evening Transcript, San Bernardino.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Evening Transcript, San Bernardino, for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CC.

*An act to appropriate the sum of \$900 to pay the claim of Stockton Mail for money due and owing the said Stockton Mail from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Stockton Mail.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of nine hundred dollars to pay the claim of Stockton Mail, the said sum of nine hundred dollars being now due and owing from the state of California to the said Stockton Mail.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Stockton Mail for the said sum of nine hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCI.

*An act to appropriate the sum of \$125 to pay the claim of William O'Brien, Sutter Independent, for money due and owing the said Sutter Independent from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and twenty-five dollars to pay the claim of William O'Brien, Sutter Independent, the said sum of one hundred and twenty-five dollars being now due and owing from the state of California to the said William O'Brien, Sutter Independent.

Appropriation to pay claim of William O'Brien.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said William O'Brien, Sutter Independent, for the said sum of one hundred and twenty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCII.

*An act to appropriate the sum of \$175 to pay the claim of Sutter Publishing Company for money due and owing the said Sutter Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of Sutter Publishing Company, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Sutter Publishing Company.

Appropriation to pay claim of Sutter Publishing Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Sutter Publishing Company for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCIII.

*An act to appropriate the sum of \$900 to pay the claim of Daily Independent, Stockton, for money due and owing the said Daily Independent, Stockton, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Stockton Independent.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of nine hundred dollars to pay the claim of Daily Independent, Stockton, the said sum of nine hundred dollars being now due and owing from the state of California to the said Daily Independent, Stockton.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Independent, Stockton, for the said sum of nine hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCIV.

*An act to appropriate the sum of \$900 to pay the claim of Sacramento Publishing Company, Record-Union, for money due and owing the said Sacramento Publishing Company, Record-Union, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Record-Union, Sacramento.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of nine hundred dollars to pay the claim of Sacramento Publishing Company, Record-Union, the said sum of nine hundred dollars being now due and owing from the state of California to the said Sacramento Publishing Company, Record-Union.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Sacramento Publishing Company, Record-Union, for the said sum of nine hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

CHAPTER CCV.

*An act to appropriate the sum of \$150 to pay the claim of the Index-Tribune for money due and owing the said Index-Tribune from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fifty dollars to pay the claim of the Index-Tribune, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Index-Tribune.

Appropriation to pay claim of Index-Tribune.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Index-Tribune for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

CHAPTER CCVI.

*An act to appropriate the sum of \$4,000 to pay the claim of The Examiner (W. R. Hearst) for money due and owing the said The Examiner (W. R. Hearst) from the state of California.*

[Approved March 22, 1899.]

*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 four thousand dollars to pay the claim of The Examiner (W. R. Hearst), the said sum of four thousand dollars being now due and owing from the state of California to the said The Examiner (W. R. Hearst).

Appropriation to pay claim of San Francisco Examiner.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Examiner (W. R. Hearst) for the said sum of four thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCVII.

*An act to appropriate the sum of \$350 to pay the claim of the Daily and Weekly Sentinel for money due and owing the said Daily and Weekly Sentinel from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Daily and Weekly Sentinel.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred and fifty dollars to pay the claim of the Daily and Weekly Sentinel, the said sum of three hundred and fifty dollars being now due and owing from the state of California to the said Daily and Weekly Sentinel.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily and Weekly Sentinel for the said sum of three hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCVIII.

*An act to appropriate the sum of \$450 to pay the claim of San Francisco Abend Post for money due and owing the said San Francisco Abend Post from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of San Francisco Abend Post.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four hundred and fifty dollars to pay the claim of San Francisco Abend Post, the said sum of four hundred and fifty dollars being now due and owing from the state of California to the said San Francisco Abend Post.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Abend Post for the said sum of four hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCIX.

*An act to appropriate the sum of \$150 to pay the claim of the Sierra Valley Record for money due and owing the said Sierra Valley Record from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fifty dollars to pay the claim of the Sierra Valley Record, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Sierra Valley Record. Appropriation to pay claim of Sierra Valley Record.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Sierra Valley Record for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCX.

*An act to appropriate the sum of \$300 to pay the claim of Emanu-El for money due and owing the said Emanu-El from the state of California.*

[Approved March 22, 1899.]

*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 three hundred dollars to pay the claim of Emanu-El, the said sum of three hundred dollars being now due and owing from the state of California to the said Emanu-El. Appropriation to pay claim of Emanu-El.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Emanu-El for the said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXI.

*An act to appropriate the sum of \$300 to pay the claim of Visalia Daily Times for money due and owing the said Visalia Daily Times from the state of California.*

[Approved March 22, 1896.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Visalia Times.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred dollars to pay the claim of Visalia Daily Times, the said sum of three hundred dollars being now due and owing from the state of California to the said Visalia Daily Times.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Visalia Daily Times for the said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXII.

*An act to appropriate the sum of \$100 to pay the claim of the Labor Advocate for money due and owing the said Labor Advocate from the state of California.*

[Approved March 22, 1896.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Labor Advocate.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred dollars to pay the claim of the Labor Advocate, the said sum of one hundred dollars being now due and owing from the state of California to the said \_\_\_\_\_.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Labor Advocate for the said sum of one hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.



## CHAPTER CCXIII.

*An act to appropriate the sum of \$175 to pay the claim of the Healdsburg Tribune for money due and owing the said Healdsburg Tribune from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of the Healdsburg Tribune, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Healdsburg Tribune.

Appropriation to pay claim of Healdsburg Tribune.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Healdsburg Tribune for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXIV.

*An act to appropriate the sum of \$250 to pay the claim of Santa Ana Standard for money due and owing the said Santa Ana Standard from the state of California.*

[Approved March 22, 1899.]

*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 two hundred and fifty dollars to pay the claim of Santa Ana Standard, the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said Santa Ana Standard.

Appropriation to pay claim of Santa Ana Standard.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Santa Ana Standard for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXV.

*An act to appropriate the sum of \$250 to pay the claim of Sun Publishing Company, Colusa, for money due and owing the said Sun Publishing Company, Colusa, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Sun Publishing Company, Colusa.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars to pay the claim of Sun Publishing Company, Colusa, the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said Sun Publishing Company, Colusa.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Sun Publishing Company, Colusa, for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXVI.

*An act to appropriate the sum of \$717.75 to pay the claim of Daily Morning Union, Grass Valley, for money due and owing the said Daily Morning Union, Grass Valley, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Daily Morning Union, Grass Valley.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of seven hundred and seventeen and seventy-five one hundredths dollars to pay the claim of Daily Morning Union, Grass Valley, the said sum of seven hundred and seventeen and seventy-five one hundredths dollars being now due and owing from the state of California to the said Daily Morning Union, Grass Valley.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily Morning Union, Grass Valley, for the said sum of seven hundred and seventeen and seventy-five one hundredths dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXVII.

*An act to appropriate the sum of \$3,400 to pay the claim of the San Francisco Bulletin for money due and owing the said San Francisco Bulletin from the state of California.*

[Approved March 22, 1898.]

*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 thirty-four hundred dollars to pay the claim of San Francisco Bulletin, the said sum of thirty-four hundred dollars being now due and owing from the state of California to the said San Francisco Bulletin. Appropriation to pay claim of San Francisco Bulletin.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Bulletin for the said sum of thirty-four hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXVIII.

*An act to appropriate the sum of \$175 to pay the claim of National Bulletin for money due and owing the said National Bulletin from the state of California.*

[Approved March 22, 1898.]

*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 one hundred and seventy-five dollars to pay the claim of the National Bulletin, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said National Bulletin. Appropriation to pay claim of National Bulletin.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said National Bulletin for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXIX.

*An act making an appropriation to pay the claim of the San Francisco Bulletin for advertising the constitutional amendments for the year 1896.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of San Francisco Bulletin.

SECTION 1. The sum of two thousand four hundred and seventy-eight dollars and sixty cents is hereby appropriated to pay the claim of the San Francisco Bulletin for advertising the constitutional amendments for the year eighteen hundred and ninety-six (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 CCXX.

*An act to appropriate the sum of \$2,000 to pay the claim of San Francisco Report for money due and owing the said San Francisco Report from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of San Francisco Report.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars to pay the claim of San Francisco Report, the said sum of two thousand dollars being now due and owing from the state of California to the said San Francisco Report.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Report for the said sum of two thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXI.

*An act to appropriate the sum of \$550 to pay the claim of The Los Angeles Record for money due and owing the said The Los Angeles Record from the state of California.*

[Approved March 22, 1899.]

*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 five hundred and fifty dollars to pay the claim of The Los Angeles Record, the said sum of five hundred and fifty dollars being now due and owing from the state of California to the said The Los Angeles Record.

Appropriation to pay claim of Los Angeles Record.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Los Angeles Record for the said sum of five hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXII.

*An act to appropriate the sum of \$450 to pay the claim of San Diego Sun Publishing Company for money due and owing the said San Diego Sun Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 four hundred and fifty dollars to pay the claim of San Diego Sun Publishing Company, the said sum of four hundred and fifty dollars being now due and owing from the state of California to the said San Diego Sun Publishing Company.

Appropriation to pay claim of San Diego Sun Publishing Company

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Diego Sun Publishing Company for the said sum of four hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXIII.

*An act to appropriate the sum of \$450 to pay the claim of Santa Rosa Press-Democrat for money due and owing the said Santa Rosa Press-Democrat from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Santa Rosa Press-Democrat.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four hundred and fifty dollars to pay the claim of Santa Rosa Press-Democrat, the said sum of four hundred and fifty dollars being now due and owing from the state of California to the said Santa Rosa Press-Democrat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Santa Rosa Press-Democrat for the said sum of four hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXIV.

*An act to appropriate the sum of \$2,160 to pay the claim of The Oakland Tribune for money due and owing the said The Oakland Tribune from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Oakland Tribune.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand one hundred and sixty dollars to pay the claim of The Oakland Tribune, the said sum of two thousand one hundred and sixty dollars being now due and owing from the state of California to the said The Oakland Tribune.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Oakland Tribune for the said sum of twenty-one hundred and sixty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXV.

*An act to appropriate the sum of \$150 to pay the claim of the Alturas Plain Dealer for money due and owing the said Alturas Plain Dealer from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and fifty dollars to pay the claim of the Alturas Plain Dealer, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Alturas Plain Dealer.

Appropriation to pay claim of Alturas Plain Dealer

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Alturas Plain Dealer for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXVI.

*An act to appropriate the sum of \$175 to pay the claim of Yreka Journal for money due and owing the said Yreka Journal from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of Yreka Journal, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Yreka Journal.

Appropriation to pay claim of Yreka Journal

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Yreka Journal for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXVII.

*An act to appropriate the sum of \$1,000 to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee), for money due and owing the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Mercury Publishing and Printing Company.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee), the said sum of one thousand dollars being now due and owing from the state of California to the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee).

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) for the said sum of one thousand dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXVIII.

*An act to appropriate the sum of \$150 to pay the claim of Fresno Evening Democrat for money due and owing the said Fresno Evening Democrat from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Fresno Evening Democrat.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of the Fresno Evening Democrat, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said Fresno Evening Democrat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Fresno Evening Democrat for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.



## CHAPTER CCXXIX.

*An act to appropriate the sum of \$600 to pay the claim of L'Italia for money due and owing the said L'Italia from the state of California.*

[Approved March 22, 1899.]

*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 six hundred dollars to pay the claim of L'Italia, the said sum of six hundred dollars being now due and owing from the state of California to the said L'Italia. Appropriation to pay claim of L'Italia.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said L'Italia for the said sum of six hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXX.

*An act to appropriate the sum of \$246.65 to pay the claim of the Hollister Bee for money due and owing the said Hollister Bee from the state of California.*

[Approved March 22, 1899.]

*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 two hundred and forty-six and sixty-five one hundredths dollars to pay the claim of the Hollister Bee, the said sum of two hundred and forty-six and sixty-five one hundredths dollars being now due and owing from the state of California to the said Hollister Bee. Appropriation to pay claim of Hollister Bee.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Hollister Bee for the said sum of two hundred and forty-six and sixty-five one hundredths dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXXI.

*An act to appropriate the sum of \$375 to pay the claim of The County Paper for money due and owing the said County Paper from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of The County Paper.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred and seventy-five dollars to pay the claim of The County Paper, the said sum of three hundred and seventy-five dollars being now due and owing from the state of California to the said The County Paper.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The County Paper for the said sum of three hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXXII.

*An act to appropriate the sum of \$150 to pay the claim of The River News for money due and owing the said The River News from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of The River News.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of The River News, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said The River News.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The River News for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXXIII.

*An act to appropriate the sum of \$200 to pay the claim of Redwood City Democrat for money due and owing the said Redwood City Democrat from the state of California.*

[Approved March 22, 1899.]

*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 two hundred dollars to pay the claim of Redwood City Democrat, the said sum of two hundred dollars being now due and owing from the state of California to the said Redwood City Democrat.

Appropriation to pay claim of Redwood City Democrat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Redwood City Democrat for the said sum of two hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXXIV.

*An act to appropriate the sum of \$175 to pay the claim of The Placer Herald for money due and owing the said The Placer Herald from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of The Placer Herald, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said The Placer Herald.

Appropriation to pay claim of Placer Herald.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Placer Herald for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXXV.

*An act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claims of J. A. Van Harlingen et al.

SECTION 1. The sum of ten hundred and sixty-five (\$1,065.00) dollars is hereby appropriated out of any sum in the state treasury not otherwise appropriated, to pay the following bills for printing and advertising the constitutional amendments:

J. A. Van Harlingen & Co. (The Union Democrat), one hundred and twenty-five dollars.

J. A. Adair (Mariposa Weekly Gazette), one hundred and fifty dollars.

A. J. Jones & Co. (Democratic Banner), one hundred and fifty dollars.

Joseph A. Norvell (Merced Express), one hundred and fifty dollars.

Radcliff Bros. (The Merced Sun), ninety dollars.

Estate of J. D. Spencer (Modesto Weekly-Daily News), two hundred dollars.

T. C. Hocking (The Herald Publishing Co.), two hundred dollars.

SEC. 2. The controller of state is hereby authorized to draw his warrants for the suras herein payable, and the treasurer of state is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXXXVI.

*An act to appropriate the sum of \$150 to pay the claim of The Weekly New Era for money due and owing the said The Weekly New Era from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Weekly New Era.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of The Weekly New Era, the said sum of one hundred and fifty dollars being now due and owing from the state of California to the said The Weekly New Era.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said The Weekly New Era for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXXXVII.

*An act to appropriate the sum of \$250 to pay the claim of Daily Hanford Journal for money due and owing the said Daily Hanford Journal from the state of California.*

[Approved March 22, 1899.]

*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 two hundred and fifty dollars to pay the claim of Daily Hanford Journal, the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said Daily Hanford Journal. Appropriation to pay claim of Daily Hanford Journal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily Hanford Journal for the said sum of two hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXXXVIII.

*An act to appropriate the sum of \$600 to pay the claim of the Nevada Daily Transcript for money due and owing the said Nevada Daily Transcript from the state of California.*

[Approved March 22, 1899.]

*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 six hundred dollars to pay the claim of the Nevada Daily Transcript, the said sum of six hundred dollars being now due and owing from the state of California to the said Nevada Daily Transcript. Appropriation to pay claim of Nevada Daily Transcript.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Nevada Daily

Transcript for the said sum of six hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXXXIX.

*An act to appropriate the sum of \$750 to pay the claim of San Diego Vidette Company for money due and owing the said San Diego Vidette Company from the state of California.*

[Approved March 22, 1899.]

*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 seven hundred and fifty dollars to pay the claim of San Diego Vidette Company, the said sum of seven hundred and fifty dollars being now due and owing from the state of California to the said San Diego Vidette Company.

Appropriation to pay claim of San Diego Vidette Company.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said San Diego Vidette Company for the said sum of seven hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXL.

*An act to appropriate the sum of \$1,200 to pay the claim of Oakland Enquirer Publishing Company for money due and owing the said Oakland Enquirer Publishing Company from the state of California.*

[Approved March 22, 1899.]

*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 twelve hundred dollars to pay the claim of the Oakland Enquirer Publishing Company, the said sum of twelve hundred dollars being now due and owing from the state of California to the said Oakland Enquirer Publishing Company.

Appropriation to pay claim of Oakland Enquirer Publishing Company.

SEC. 2 The state controller is hereby authorized and directed to draw his warrant in favor of the said Oakland Enquirer Publishing Company for the said sum of twelve

hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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### CHAPTER CCXLI.

*An act to appropriate the sum of \$175 to pay the claim of Mountain Democrat, Placerville, G. & J. Carpenter, for money due and owing the said Mountain Democrat, Placerville, G. & J. Carpenter, from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of Mountain Democrat, Placerville, G. & J. Carpenter, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Mountain Democrat, Placerville, G. & J. Carpenter.

Appropriation to pay claim of Mountain Democrat.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Mountain Democrat, Placerville, G. & J. Carpenter, for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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### CHAPTER CCXLII.

*An act to appropriate the sum of \$200 to pay the claim of Jewish Times-Observer for money due and owing the said Jewish Times-Observer from the state of California.*

[Approved March 22, 1899.]

*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 two hundred dollars to pay the claim of Jewish Times-Observer, the said sum of two hundred dollars being now due and owing from the state of California to said Jewish Times-Observer.

Appropriation to pay claim of Jewish Times-Observer.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Jewish Times-Observer

for the said sum of two hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXLIII.

*An act to appropriate the sum of \$150 to pay the claim of Reporter Publishing Company, Vacaville, for money due and owing the said Reporter Publishing Company from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Vacaville Reporter Publishing Company.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of Reporter Publishing Company, Vacaville, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Reporter Publishing Company, Vacaville.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Reporter Publishing Company, Vacaville, for the said sum of one hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXLIV.

*An act to appropriate the sum of \$250 to pay the claim of George Roe, Vallejo Daily Times, for money due and owing the said George Roe, Vallejo Daily Times, from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of George Roe.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars to pay the claim of George Roe, Vallejo Daily Times, the said sum of two hundred and fifty dollars being now due and owing from the state of California to the said George Roe, Vallejo Daily Times.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said George Roe, Vallejo Daily Times, for the said sum of two hundred and fifty



dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXLV.

*An act to appropriate the sum of \$600 to pay the claim of the Franco-Californien for money due and owing the said Franco-Californien from the state of California.*

[Approved March 22, 1899.]

*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 six hundred dollars to pay the claim of the Franco-Californien, the said sum of six hundred dollars being now due and owing from the state of California to the said Franco-Californien.

Appropriation to pay claim of Franco-Californien.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Franco-Californien for the said sum of six hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

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CHAPTER CCXLVI.

*An act to appropriate the sum of \$175 to pay the claim of Cloverdale Reveille for money due and owing the said Cloverdale Reveille from the state of California.*

[Approved March 22, 1899.]

*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 one hundred and seventy-five dollars to pay the claim of the Cloverdale Reveille, the said sum of one hundred and seventy-five dollars being now due and owing from the state of California to the said Cloverdale Reveille.

Appropriation to pay claim of Cloverdale Reveille.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Cloverdale Reveille, for the said sum of one hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXLVII.

*An act to appropriate the sum of \$200 to pay the claim of Marin County Tocsin for money due and owing the said Marin County Tocsin from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Marin County Tocsin.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred dollars to pay the claim of Marin County Tocsin, the said sum of two hundred dollars being now due and owing from the state of California to the said Marin County Tocsin.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Marin County Tocsin for the said sum of two hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXLVIII.

*An act to appropriate the sum of \$200 to pay the claim of the Santa Clara News for money due and owing the said Santa Clara News from the state of California.*

[Approved March 22, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Santa Clara News.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred dollars to pay the claim of the Santa Clara News, the said sum of two hundred dollars being now due and owing from the state of California to the said Santa Clara News.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Santa Clara News for the said sum of two hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCXLIX.

*An act to appropriate the sum of \$400 to pay the claim of Daily Riverside Enterprise for money due and owing the said Daily Riverside Enterprise from the state of California.*

[Approved March 22, 1899.]

*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 four hundred dollars to pay the claim of Daily Riverside Enterprise, the said sum of four hundred dollars being now due and owing from the state of California to the said Daily Riverside Enterprise. Appropriation to pay claim of Daily Riverside Enterprise.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily Riverside Enterprise for the said sum of four hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCL.

*An act to appropriate the sum of \$300 to pay the claim of the Daily Independent for money due and owing the said Daily Independent from the state of California.*

[Approved March 22, 1899.]

*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 three hundred dollars to pay the claim of the Daily Independent, the said sum of three hundred dollars being now due and owing from the state of California to the said Daily Independent. Appropriation to pay claim of Daily Independent.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Daily Independent for the said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred.

## CHAPTER CCLI.

*An act adding a new section to the Political Code of the state of California, to be numbered two thousand nine hundred and twenty-one, authorizing the granting by boards of supervisors to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this act any territory and property under the jurisdiction or control of any incorporated city or town, or any board of state harbor commissioners.*

[Approved March 22, 1869.]

*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 the state of California, numbered two thousand nine hundred and twenty-one, as follows:

Boards of supervisors may grant railroad corporations authority to construct wharves and piers

2921. Boards of supervisors of counties in this state may grant to any railroad corporation authority to construct a wharf or pier on or in front of any lands owned by it bordering on any navigable bay, inlet, lake, creek, slough or arm of the sea situate in or bounding their counties, respectively, with a license to take tolls for the use of the same for the term of the corporate existence of the said railroad corporations, not exceeding fifty years, whenever such board finds the use of said wharf or pier necessary to the exercise of the franchise of such railroad corporation for terminal purposes, and the same may be granted without offering the same for sale. Nothing contained in this chapter shall be construed to limit the powers of such boards to grant the right to such railroad corporations to build and construct for terminal purposes on and in front of any lands owned by it any wharf or pier of the width necessary for the carrying on of the business of such railroad at such terminal, not to exceed one thousand (1,000) feet, and to the length that it may be desirable to construct the same, so that it may not prevent the navigation by boats and vessels of such navigable bay, inlet, lake, creek, slough or arm of the sea; *provided*, that there shall be excluded from the operation of this section any and all territory and property under the jurisdiction or control of any incorporated city or town or any board of state harbor commissioners. All of the provisions of this chapter not in conflict with anything in this section contained are hereby made applicable to all proceedings had under this section.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLII.

*An act to amend section seventeen hundred and seventy-two of an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.*

[Approved March 27, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen hundred and seventy-two of an act entitled "An act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended to read as follows:

1772. The guardian may join in and assent to a partition of the real or personal estate of the ward, wherever such assent may be given by any person, *provided*, that such assent can only be given after the court having jurisdiction over said estate shall grant an order conferring such authority, which order shall only be made after a hearing in open court upon the petition of the guardian after notice of at least ten days, mailed by the clerk of the court to all the known relatives of the ward residing in the county where the proceedings are pending. The guardian may also consent to a partition of the real or personal estate of his ward without action, and agree upon the share to be set off to such ward, and may execute a release in behalf of his ward to the owners of the shares, of the parts to which they may be respectively entitled, upon obtaining from said court having jurisdiction over said estate, authority to so consent after a hearing in open court upon the petition of the guardian after notice of at least ten days, mailed by the clerk of the court to all the known relatives of the ward residing in the county where the proceedings are pending.

Guardians.  
powers of,  
in parti-  
tion

## CHAPTER CCLIII.

*An act to amend section four of an act entitled "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; and making an appropriation to pay the salary and expenditures provided for and authorized by said act, for the remainder of the fiftieth and for the fifty-first and fifty-second fiscal years.*

[Approved March 28, 1899.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of said act is amended to read as follows:

Lake  
Tahoe  
wagon  
road com-  
missioner,  
duties of.

Section 4. Said commissioner shall have the care, control, management, and supervision of that certain wagon road 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; *provided*, that before any of the moneys herein appropriated are expended on said Lake Tahoe state wagon road, it shall be the duty of the highway commissioner (provided for in an act entitled "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 first, eighteen hundred and ninety-seven) to make or cause to be made all necessary surveys, plans, and

specifications for contemplated contract work in connection with said Lake Tahoe wagon road, and upon their completion the Lake Tahoe wagon road commissioner shall be empowered to advertise for bids for said work as covered by said surveys, plans, and specifications, and to let the contract or contracts for the same to the lowest responsible bidder; *provided*, that before any payments are made for said work it shall have been first inspected by the highway commissioner (of the department of highways) and by him certified to the state board of examiners, as fulfilling all the conditions of the contract and plans and specifications covering said work; and all claims for said work shall be further audited and approved by the state board of examiners, and such having been done, the controller shall draw his warrants, from time to time, as may be necessary, in favor of the person, or persons, to whom said money is due, and the treasurer shall pay the same; *provided, furthermore*, that the expenditure of all money for the making of plans, specifications, or surveys, and the employment of all engineers or draughtsmen therefor, and the purchase of all apparatus or supplies therefor, shall be within the jurisdiction of the highway commissioner (of the department of highways), and he shall have the power to employ all such engineers and draughtsmen, and to purchase all engineering apparatus and supplies necessary for the carrying out of the provisions of this act; but all claims for such service or material furnished shall be before payment audited and approved by the state board of examiners, and such having been done, the controller shall draw his warrants for the same, and the treasurer shall pay said warrants.

Duties of  
highway  
commissioner of  
department of  
highways.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand (\$25,000.00) dollars to carry out the provisions of said act for the remainder of the fiftieth fiscal year and for the fifty-first and fifty-second fiscal years. Of said sum of twenty-five thousand dollars the sum of five thousand dollars is made available immediately for paying the salary, traveling, and other expenses incurred by said Lake Tahoe state wagon road commissioner, and to pay for making of surveys, plans, and specifications by the state highway commissioner as herein provided, and for other expenses incident thereto. The sum of twenty thousand dollars is hereby set apart and made available from and after January first, A. D. nineteen hundred, for repairing and improving said road and structures thereon and the building of any necessary new road structures thereon.

Appropriation.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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





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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. 2, relative to appropriation by congress for San Luis breakwater.*

[Adopted January 20, 1899.]

WHEREAS, The growing importance of the commerce of the Pacific Coast demands the development of our various harbors; therefore, be it

*Resolved by the assembly, the senate concurring, That our senators and representatives in congress be requested to use all honorable means to secure a sufficient appropriation to complete the Port San Luis breakwater without further delay.*

Port San  
Luis break-  
water.

*Resolved further, That the chief clerk of the assembly be instructed to transmit by mail a copy of these resolutions to each of our senators and representatives in congress.*

## CHAPTER II.

*Assembly Concurrent Resolution No. 6, approving the charter of the consolidated city and county of San Francisco, a municipal corporation, in the state of California, voted for and ratified by the qualified voters of said city and county, at a special election held therein for that purpose, on the 26th day of May, 1898.*

[Adopted January 23, 1899]

WHEREAS, The consolidated city and county of San Francisco, a municipal corporation, in the state of California, is now, and was at all the times herein referred to, a consolidated city and county containing a population of more than two hundred thousand inhabitants; and

Preamble.

WHEREAS, At a special municipal election, duly held in said city and county on the twenty-seventh day of December, one thousand eight hundred and ninety-seven, 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 county, and by the qualified electors thereof, to prepare and propose a charter for said city and county; and

- Preamble.** WHEREAS, The same was, on the twenty-fifth day of March, one thousand eight hundred and ninety-eight, signed in duplicate by all the members of said board of fifteen freeholders, and was, on said day, returned, one copy thereof to the mayor of said city and county, and the other to the county recorder of said city and county; and
- WHEREAS, Such proposed charter was then published in two daily newspapers of general circulation in said city and county of San Francisco, to wit: "San Francisco Call" and "Daily Report," for more than twenty days, such publication in each instance having commenced within twenty days after the completion of said charter; and
- WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the mayor and board of election commissioners of said city and county of San Francisco, to the qualified electors of said city and county at a special election, previously duly called and thereafter held therein, on the twenty-sixth day of May in the year one thousand eight hundred and ninety-eight; and
- WHEREAS, The returns of said election were duly canvassed by the said mayor and board of election commissioners of said city and county of San Francisco; and
- WHEREAS, At said election a majority of such qualified electors of said city and county, voting at such special election, did vote in favor of and ratify said charter so proposed; and
- WHEREAS, Said mayor and board of election commissioners, 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:

**Title.** CHARTER PREPARED AND PROPOSED FOR THE CITY AND COUNTY OF SAN FRANCISCO

By the Board of Freeholders elected December 27, 1897, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

## ARTICLE I.

### BOUNDARIES, RIGHTS AND LIABILITIES.

**Name.** SECTION 1. The municipal corporation known as the city and county of San Francisco shall remain and continue a body politic and corporate in name and in fact, by the name of the

city and county of San Francisco, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property; receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

SEC. 2. The boundaries of the city and county of San Francisco are hereby declared to be those set forth in section thirty-nine hundred and fifty of the Political Code of California. Boundaries.

SEC. 3. The city and county of San Francisco shall continue, under this charter, to have, hold, and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality, and is hereby declared to be the successor of the same. Rights.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the city and county for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, the city and county, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions, and proceedings in the courts or elsewhere, to which the city and county is a party, shall continue to be carried on by or against the city and county. Liabilities.

SEC. 5. No recourse shall be had against the city and county for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city and county for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the city and county for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained.

## ARTICLE II.

## LEGISLATIVE DEPARTMENT.

*Chapter I.—The Board of Supervisors.*

- Legislative power.** SECTION 1. The legislative power of the city and county of San Francisco shall be vested in a legislative body, which shall be designated the board of supervisors. Such body is also designated in this charter, the supervisors.
- Board of supervisors.** SEC. 2. The board of supervisors shall consist of eighteen members, all of whom shall hold office for two years and be elected from the city and county at large. Each one must be at the time of his election an elector of the city and county, and must have been such for at least five years next preceding his election. Each supervisor shall receive an annual salary of twelve hundred dollars.
- Ex-mayors.** Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall be entitled to a seat in the board of supervisors and to participate in its debates, but shall not be entitled to a vote nor to any compensation.
- Quorum.** SEC. 3. A majority of all the members of the board shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the board may prescribe.
- Appointments by the board.** SEC. 4. The board shall:
1. Appoint a clerk, sergeant-at-arms, and, when authorized to do so by ordinance, such additional clerks and other assistants as may be deemed necessary.
  2. Establish rules for its proceedings.
  3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes shall on demand of any member be taken and entered therein.
  4. Have authority to punish its members for disorderly or contemptuous behavior in its presence.
- Other rights and duties.** SEC. 5. The mayor shall be the presiding officer of the board of supervisors. In the absence of the mayor the board shall appoint a presiding officer pro tempore from its own members, who shall have the same right to vote as other members.
- Presiding officer.** SEC. 6. The board shall meet on Monday of each week, or if that day be a legal holiday, then on the next day. The board shall not adjourn to any other place than to its regular place of meeting, except in case of great necessity or emergency. The meetings of the board shall be public.
- Meetings.** SEC. 7. The clerk of the board, when requested to do so, shall administer oaths and affirmations, without charge, in all matters pertaining to the affairs of his office, and shall perform such services as may be prescribed by the board. He shall have the custody of the seal, and of all leases, grants, and other documents, records and papers of the city and
- Duties of clerk.**

county. His signature shall be necessary to all leases, grants and conveyances of the city and county.

SEC. 8. Every legislative act of the city and county shall be by ordinance. The enacting clause of every ordinance shall be in these words: "Be it ordained by the people of the city and county of San Francisco as follows." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

Ordinances, etc.

SEC. 9. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all the members of the board and the vote be taken by ayes and noes and the names of the members voting for and against the same be entered in the journal.

Ordinances, passage of, etc.

SEC. 10. No ordinance shall be revised, reënacted or amended by reference to its title; but the ordinance to be revised or reënacted, or the section thereof amended, shall be reënacted at length as revised and amended.

Same.

SEC. 11. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

Same.

SEC. 12. When a bill is put upon its final passage in the board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Every ordinance shall, after amendment, be laid over for one week before its final passage.

Renewal of franchises.

SEC. 13. Every bill or resolution providing for any specific improvement, or the granting of any franchise or privilege, or involving the lease, appropriation or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, or levying any tax or assessment, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in the official newspaper with the ayes and noes, for at least five successive days (Sundays and legal holidays excepted) before final action upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before final action thereon. But in cases of great necessity the officers and heads of departments may, with the consent of the mayor, expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

What must be advertised.

SEC. 14. If any bill be presented to the mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, 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 item or items to which he objects and the reasons therefor, and the item or

Mayor to have right of veto.

items so objected to shall not take effect unless passed notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the board in the same manner as bills which have been disapproved by the mayor.

Ordinances in effect.  
Passage of bills over mayor's veto.

SEC. 15. No ordinance shall take effect until ten days after its passage unless otherwise provided in such ordinance.

SEC. 16. Every bill and every resolution as hereinbefore provided, which shall have passed the board and shall have been duly authenticated, shall be presented to the mayor for his approval. The mayor shall return such bill or resolution to the board within ten days after receiving it. If he approve it he shall sign it and it shall then become an ordinance. If he disapprove it he shall specify his objections thereto in writing. If he does 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 in the journal of the board, and the board shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be again passed by the affirmative vote of not less than fourteen members of the board, the presiding officer shall certify that fact on the bill or resolution, and when so certified, the bill shall become an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the vote of fourteen members of the board 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 and against the same shall be entered in the journal.

Ordinances, deposit.

SEC. 17. All ordinances and resolutions shall be deposited with the clerk of the board, who shall record the same at length in a suitable book.

Repeal.

SEC. 18. No ordinance shall be repealed except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the mayor for his approval as hereinbefore provided.

Warrants must be approved by board.

SEC. 19. Except as provided in Chapter III of Article III of this charter, all demands payable out of the treasury must, before they can be approved by the auditor or paid by the treasurer, be first approved by the board of supervisors. All demands for more than two hundred dollars shall be presented to the mayor for his approval, in the manner hereinbefore provided for the passage of bills or resolutions. All resolutions directing the payment of money other than salaries or wages, when the amount exceeds five hundred dollars, shall be published for five successive days (Sundays and legal holidays excepted) in the official newspaper.

Petition to submit ordinance to vote.

SEC. 20. Whenever there shall be presented to the board of election commissioners a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or city and county election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city and county, the board of election commis-



sioners must submit such proposed ordinance to the vote of the electors at the next election.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Signatures to petition.

The tickets used in such election shall contain the words "for the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance" (stating the nature of the proposed ordinance).

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of election commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the supervisors and approved by the mayor, and the same shall not be repealed by the supervisors. But the supervisors may submit a proposition for the repeal of such ordinance, or for amendments thereto, for vote at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Ordinance adopted by vote of people shall be valid.

Repeal of same.

Sec. 21. Except as otherwise provided in the constitution of the state, or as otherwise provided in this charter, every ordinance involving the granting by the city and county of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than fifty thousand dollars in value, must be submitted to the vote of the electors of the city and county at the election next ensuing after the adoption of such ordinance.

Ordinances granting franchises, to be voted upon.

The tickets used at such election shall contain the words "for the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance" (stating the nature of the proposed ordinance).

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of election commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the supervisors and approved by the mayor.

Validity of ordinance so adopted.

No such franchise, or lease or sale of any public utility, or purchase of land, shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people, as in this section provided.

If rejected.

Sec. 22. Whenever there shall be presented to the supervisors a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or municipal election, asking that an amendment or amendments to this charter, to be set out in such petition, be submitted to

Amendments to charter.

the people, the board must submit to the vote of the electors of the city and county the proposed amendment or amendments.

By petition.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Special election.

The board of election commissioners must make all necessary provision for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

All the provisions of the constitution of the state embracing the subject in this section provided for are hereby expressly made applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this charter may be amended, then the aforesaid amendment or amendments must be submitted by the board of election commissioners to the vote of the electors of the city and county at the election which next ensues after such petition is filed with the supervisors. If any such election is not to be held within sixty days after the filing of such petition.

The tickets used at such election shall contain the words "for the amendment" (stating the nature of the proposed amendment) and "against the amendment" (stating the nature of the proposed amendment).

If a majority of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the board of election commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon this charter shall be amended accordingly.

### *Chapter II.—Powers of the Supervisors.*

Supervisors,  
powers of.

SECTION 1. Subject to the provisions, limitations and restrictions in this charter contained, the board of supervisors shall have power:

1. To ordain, make and enforce within the limits of the city and county all necessary local, police, sanitary and other laws and regulations.

2. Except as otherwise provided in this charter, or in the constitution of the state of California, to regulate and control for any and every purpose, the use of the streets, highways, public thoroughfares, public places, alleys, and sidewalks of the city and county.

Railways.

3. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion

- of a street or the adjoining land, for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public. Supervisors,  
powers of.
4. To empower street railway companies, under such conditions as the board may see fit to impose, to convey street sweepings and offal to the public parks.
5. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension. Fire limits.
6. To provide for the abatement or summary removal of any nuisance, and to condemn and to prevent the occupancy of unsafe structures. Nuisance.
7. To regulate the use of hackney carriages and public passenger vehicles, and to fix the rates to be charged for the transportation of persons or personal baggage. Hacks, etc.
8. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and destruction of the same. Pound.
9. To provide and maintain a morgue. Morgue.
10. To provide for places for the detention of witnesses and persons charged with insanity, separate and apart from places where criminals or persons accused of public offenses are imprisoned. Prisons,  
etc.
11. To establish, maintain and regulate, and change, discontinue and reestablish city and county jails, prisons and houses of detention, punishment, confinement and reformation, hospitals and almshouses.
12. To purchase or acquire by condemnation such property as may be needed for public use. Acquire  
property.
13. Except as otherwise provided in this charter, to regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the city and county, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the city and county, and for flushing the sewers therein. Water,  
heat,  
light, etc.
14. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the city and county, for the use of water, heat, light or power, supplied to the city and county, or to the inhabitants thereof, and to prescribe the quality of the service. Water  
rates.
15. To impose license taxes and to provide for the collection thereof; but no license taxes shall be imposed upon any person who, at any fixed place of business in the city and county, sells or manufactures goods, wares or merchandise, except such as require permits from the board of police commissioners as provided in this charter. License  
tax.
16. To prescribe fines, forfeitures and penalties for the breach Fines.

- Supervis- of any ordinance; but no penalty shall exceed the amount of  
ors, five hundred dollars or six months' imprisonment, or both.  
powers of  
Fees. 17. To fix the fees and charges for all official services not  
otherwise provided for in this charter.
- 4th of July. 18. To allow not to exceed two thousand five hundred dol-  
lars in any year for the celebration of the anniversary of our  
national independence, and not to exceed five hundred dollars  
in any year for the observance of memorial day.
- Cruelty to 19. To appropriate such sums as may be paid into the treas-  
animals. ury from fines collected on conviction of persons charged with  
cruelty to animals, and to authorize the payment of the same  
or some part thereof to any society that shall efficiently aid in  
such convictions.
- Interpre- 20. To provide for the payment of compensation to the  
ters. interpreters appointed by the judges of the superior court to  
interpret testimony in criminal cases in said court or the  
police court, or upon inquests and examinations. Such com-  
pensation shall not exceed one hundred dollars a month for  
each interpreter.
- Rewards. 21. To offer rewards not exceeding one thousand dollars in  
any one instance for the apprehension and conviction of any  
person who may have committed a felony in the city and  
county, and to authorize the payment thereof.
- Tax levy. 22. To provide in the annual tax levy for a special fund to  
be used in the construction of a general system of drainage  
and sewerage.
- Seal. 23. To provide a seal for the city and county, and seals for  
the several departments, boards and officers thereof, and a seal  
for the police court.
- Hours of 24. To fix the hours of labor or service required of all  
labor. laborers in the service of the city and county, and to fix their  
compensation; *provided*, that eight hours shall be the maxi-  
mum hours of labor in any calendar day, and that the mini-  
mum wages of laborers shall be two dollars a day.
- Boule- 25. To set apart as a boulevard or boulevards any street or  
vards. streets, or portions of a street or streets, over which there is  
no existing franchise for any street railroad.
- Tunnels. 26. To construct or permit the construction of tunnels, under  
such rules and regulations as the board may prescribe.
- Regula- 27. To regulate street railroads, tracks and cars; to compel  
tion of street the owners of two or more of such roads using the same street  
railroads. for any distance not exceeding ten blocks to use the same tracks  
and to equitably divide the cost of construction and expense  
of maintenance thereof between the owners; to fix, establish  
and reduce the fares and charges for transporting passengers  
and goods thereon; to regulate rates of speed, and to pass  
ordinances to protect the public from danger or inconvenience  
in the operation of such roads.
- Entry of 28. To allow any transcontinental or other railroad com-  
steam pany having not less than fifty miles of road actually  
railroads. constructed and in operation to enter the city and county with  
its road and run its cars to the water front at the most suit-  
able point for public convenience. No exclusive right shall

be granted to any railroad company; and the use of all such rights shall at all times be subject to regulation by the supervisors. Supervisors, powers of.

Every ordinance granting such right shall be upon the conditions that said company shall pave and keep in repair the street from curb to curb in such a manner and with such material as may from time to time be prescribed by the supervisors, and that such company shall allow any other railroad company to use in common with it the same track or tracks, each paying an equal portion for the construction and repair of the tracks and appurtenances used by such railways jointly. Conditions of ordinance.

29. To convey lands in accordance with the provisions of the act of the legislature of the state of California, entitled "An act to expedite the settlement of land titles in the city and county of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof," approved March 14, 1870. Conveyance.

30. To provide for the execution of all trusts confided to the city and county. Trusts.

31. To transfer from one department of the city government vacant and unused lots of land to another department. Lots and lands and leases.

32. To provide for the lease of any lands now or hereafter owned by the city and county; but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least three weeks. No lease shall be authorized except by ordinance passed by the affirmative vote of two thirds of the members of the board, and approved by the mayor, and no lease shall be made for a longer period than twenty years.

33. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city and county. Sales.

34. To provide for the purchase of property levied upon or under execution in favor of the city and county; but the amount bid on such purchase shall not exceed the amount of judgment and costs.

35. The supervisors must appropriate annually to the mayor thirty-six hundred dollars as and for a contingent fund, for which he need furnish no vouchers. Secret fund.

Sec. 2. The supervisors shall constitute the board of equalization of the city and county. The clerk of the supervisors shall be clerk of the board of equalization by virtue of his office. Board of equalizers.

Sec. 3. The board of supervisors shall appoint from its members a committee consisting of three to be denominated finance committee, and shall fill all vacancies in the committee. The committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths and affirmations, and to Finance committee

**Finance committee** examine witnesses, and compel their attendance before them by subpoena. The committee may at any time visit any of the public offices and make its examinations and investigations therein without hindrance.

**Duties of.** The committee must, at least once in every six months, examine the official bonds of all city and county officers, and investigate the sufficiency and solvency of the sureties thereon, and report in writing the facts to the mayor. Such report shall specify each bond with the sureties, and the amounts for which each surety is bound, and state whether or not they are sufficient and solvent. Upon such report the mayor shall take such action as shall be necessary to protect the city and county, and may require new bonds when necessary, and he may suspend any officer till a sufficient bond is filed and approved.

**Powers** SEC. 4. The finance committee shall have power, and it shall be its duty, to examine the records and examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their gross receipts into the treasury; and shall likewise, as an aid to the fixing of rates for furnishing water and light to the city and county and to the inhabitants thereof, have like power, and it shall be its duty, to examine the records and examine and expert the books of account of any and all persons, companies or corporations so furnishing water or light.

**Majority** In the exercise of its functions, the concurrence of two members of the committee shall be deemed sufficient. The committee shall keep a record of its proceedings with the names of the witnesses examined and a substantial statement of the evidence taken. If, from the examination made by the committee, it shall appear that a misdemeanor in office, or a defalcation, has been committed by an officer, the committee shall immediately report to the mayor, who, if he approve the report, shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the process and orders of the committee.

**No exclusive franchise** SEC. 5. No exclusive franchise or privilege shall be granted for laying pipes, wires or conduits.

**Term of franchise for street railway** SEC. 6. The board of supervisors shall have power to grant authority for a term not exceeding twenty-five years to construct and operate street railways upon, or over, or under, the streets or parts of streets of the city and county not reserved for boulevards or carriage driveways, upon the following conditions and in the following manner and none other:

**Granting of franchises, manner of** Upon application being made to the board for any such franchise, it shall by resolution determine whether such franchise or any part thereof should be granted, and at said time shall determine on what conditions the same shall be granted additional to those conditions provided in this chapter. After such determination, it shall cause notice of such application and resolution to be advertised in the official newspaper of the city and county for ten consecutive days. Such advertisement must be completed not less than twenty nor more than thirty

days before any further action is taken by the board on such application. The advertisement must state the character of the franchise sought, the term of its proposed continuance, and the route to be traversed; that sealed bids will be received up to a certain hour on a day to be named in the advertisement; and a further statement that no bids will be received of a stated amount, but that all bids must be for the payment to the city and county in lawful money of the United States of a stated percentage of the gross annual receipts of the person, company or corporation to whom the franchise may be awarded, arising from its use, operation, enjoyment, or possession.

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Every bidder shall file with his bid a bond executed to the city and county, with at least two good and sufficient sureties to be approved by the mayor in a penal sum prescribed by the supervisors, and set forth in such advertisement, conditioned that such bidder will well and truly observe, fulfill and perform each and all of the conditions, terms and obligations of the franchise for which said application was made in case the same shall be awarded to him, and that in case of the breach of any of the conditions of such bond, the whole amount of the penal sum therein named shall be taken to be liquidated damages, and that as such shall be recoverable from the principal and sureties on such bond.

At the next regular session after the expiration of the time stated in such advertisement up to which such bids will be received, the board must open such bids and award the franchise to the person, company or corporation offering to pay the highest stated percentage of the gross receipts arising from the use, operation, possession or enjoyment of the franchise for which such application was made. But no award shall be made, nor any such application granted, unless the stated percentage offered to be paid for the franchise shall be at least three per centum of such gross receipts during the first five years of the period for which the franchise is to be granted. four per centum of the gross receipts during the next succeeding ten years, and five per centum of the gross receipts during the next succeeding ten years.

Except as in this section otherwise provided, bidding for such franchises must be in accordance with the provisions of this charter in relation to bids made to the board of public works, so far as such provisions may be applicable. The supervisors may reject any and all bids, and may refuse to grant a franchise for any part of the route for which application was made. Every ordinance making such grant shall require the concurrence of three fourths of all the members of the board of supervisors, as shown by the ayes and noes, and the approval of the mayor, and at least ninety days shall intervene between the introduction and final passage of any such ordinance. It shall require a vote of five sixths of all the supervisors to pass the ordinance notwithstanding the objections of the mayor.

If any bid be accepted, the franchise must be granted upon the express condition, in addition to the conditions required by this charter, and such other conditions as may be prescribed by the

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supervisors, that the per centum of the gross receipts of the railway shall be paid into the treasury on or before the tenth day of the next ensuing month after such gross receipts shall have been earned; and upon the further condition that the whole of the railway shall be continuously operated, and that at the end of the term the road-track and bed of such railway and all its stationary fixtures upon the public streets, shall become the property of the city and county; and that the grantees will, within one hundred days after the date of such grant, commence the construction of such railway, and continuously thereafter, in each and every month until the completion thereof, expend in such construction at least the sum of three thousand dollars.

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The failure to comply with any of said conditions shall work an immediate forfeiture of such franchise and the road or track constructed thereunder. There shall be no power in the supervisors to relieve from such forfeiture or from any of said conditions. On or before the tenth day of each month after said receipts shall have been earned, the president and secretary of said railway company shall make and file with the clerk of the board of supervisors a sworn statement of the gross receipts of such railway for the preceding month.

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not be  
renewed.

In granting any such franchise the board of supervisors shall impose such other lawful conditions as it may deem advisable, and must expressly provide that the franchise shall not be renewed or regranted, and that the board shall at all times have the power to regulate the rates of fare to be charged by those using, operating, possessing or enjoying the franchise, and that the finance committee of the board shall at all times be permitted to examine and expert their books as to such gross receipts. All moneys received for such franchises and in payment of the said per centum shall be credited to the general fund.

Electric  
power and  
light.

SEC. 7. The supervisors shall have no power to grant franchises or privileges to erect poles or wires for transmitting electric power or for lighting purposes along or upon any public street or highway of the city and county except upon all the conditions and in the manner, including competitive bidding and payment of a percentage of gross receipts, hereinbefore set out, and upon the further condition that the board shall at all times have the right to regulate the charges of any person, company or corporation using, enjoying or possessing such franchise or privilege.

Expiration  
of fran-  
chise.

When, on the expiration of any street railroad franchise, it shall be deemed inexpedient by the board to use any of the property reverting to it by reason of such expiration in the operation of a street railroad, then the board shall have power to lease such property to any person, company or corporation, after the notice, on the terms, and in the manner above provided, as to the granting of street railroad franchises, as far as the same may be applicable. But no ordinance authorizing such lease shall be passed prior to ninety days next preceding the expiration of such franchise.



Any ordinance granting a franchise or authorizing a lease under the provisions of this section shall be in force from and after the expiration of thirty days from the date of its signature by the mayor, or from and after the expiration of thirty days from the date of its passage by the supervisors over his objections, unless within said thirty days a petition signed by a number of the electors of the city and county equal to fifteen per centum of the votes cast at the last preceding election shall have been filed with the supervisors, asking that said ordinance be submitted to the vote of the people. In such case said ordinance shall be submitted at the next election to the vote of the electors of the city and county, and unless said ordinance shall at said election receive in its favor a majority of the votes cast thereon it shall have no force or effect for any purpose. If a majority of the votes be in favor of such ordinance, the board of election commissioners shall, on the conclusion of the canvass of the vote thereon, proclaim such fact, and upon such proclamation said ordinance shall have full force and effect as of the date aforesaid. Said petition and submission shall be made in accordance with the provisions of section twenty of Chapter I of this article.

Franchises and leases, when in force.

SEC. 8. All claims for damages against the city and county must be presented to the board of supervisors and filed with the clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise there shall be no recovery on any such claim.

Claims for damages.

### Chapter III.—Contracts.

SECTION 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the city and county, as well as for all subsistence, supplies, drugs, and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this charter, must be made by the supervisors with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper; and no purchase thereof or liability therefor shall be made or created except by contract.

Contracts.

Except as otherwise provided in this charter, the board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the city and county for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding.

Duty of supervisors.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the city and county of ten per centum on the amount of the bid, payable at sight to the order of the clerk of the supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract, and file the

Proposals.

required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

Notices for proposals.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general, and shall state that the conditions and schedule may be found in the office of the clerk of the board of supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the supervisors may designate. Any bidder may bid separately for any article named. The award as to each article shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article, the supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The clerk of the supervisors shall furnish printed blanks for all such proposals, contracts, and bonds.

Bids.

All bids shall be sealed and delivered by the bidder to the clerk of the supervisors, and opened by the board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the supervisors, and by the person in charge of the office, institution or department for which the same are supplied. Every contract for work to be performed for the city and county must provide that in the performance of the contract eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages of laborers employed by the contractor in the execution of his contract shall be two dollars a day. Any contract for work to be performed for the city and county which does not comply with the provisions of this section shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

Official advertising.

SEC. 2. All contracts for official advertising shall be let annually in like manner by the supervisors to the lowest responsible bidder publishing a daily newspaper in the city and county which has a bona fide daily circulation of at least eight thousand copies, and has been in existence at the time of letting such contract for at least two years. In inviting proposals therefor, such advertising shall not be classified, and no proposal shall be acted upon which offers to do such advertising at different rates for different portions thereof.

Such advertising shall be construed to mean the advertising

and publication of all official reports, orders, ordinances, messages, resolutions, notices inviting proposals and all notices of every nature relating to city work. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for, except in the case of the delinquent tax list.

Official advertising.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Official newspaper.

The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other official advertising.

Delinquent tax list.

No board, department or officer shall make any publication which is not expressly authorized by this charter or by the supervisors.

SEC. 3. The clerk of the supervisors shall annually, under the direction of the supervisors, advertise for proposals for supplying the various departments, officers and offices of the city and county with all stationery and supplies in the nature of stationery, assessment books, minute books, blank books, and the printing of blanks. The contracts for stationery shall be separate from those for printing.

Stationery supplies.

Notice for proposals for supplies shall require a greater or less quantity to be delivered at such times and in such manner as the supervisors may designate. The advertisement for bids for paper shall state the weight, quality and size of the various kinds required, and that for printing shall enumerate the various letter heads, tax bills, tax receipts, court notices, and all blanks, papers and documents now used or hereafter required in any and all departments of the city and county, including the forms, papers and blanks now used or hereafter required by the courts of the city and county.

Proposals for same.

The forms for all printing shall be consecutively numbered, and each form and blank shall be known as No. — (specifying the number). Such advertisement shall be published for at least ten days, and shall require the bidders to state the price at which each article will be furnished, printed or manufactured, as the same may be required from time to time during such period, and the amount of the bond that will be required as security for the performance of the contract.

Forms.

No stationery furnished to any officer or department shall contain the name or names of the officer or officers constituting the head of the department or board. The contract or contracts must be made with the lowest bidder offering adequate security, quantity and quality being considered. The clerk of the supervisors shall have rooms in the city hall for the custody of such stationery, and when purchased the same shall be delivered to him, and he shall issue and distribute the same to the various departments as required.

Not to contain names.

Duty of clerk of supervisors.

He shall keep accounts in detail, charging himself with all goods received, and crediting himself with the goods delivered upon order or requisition as hereinafter provided. When any of such supplies are required for any department, the clerk of

the supervisors shall issue the same after the requisition for such articles has been made by the head of such department and approved by the mayor.

Requisition for printing.

All requisitions for printing shall be made in a similar manner. The clerk shall report monthly in writing to the supervisors, in detail, the amount of all paper, blanks, books, stationery and printing ordered by and delivered to any department or officer.

Collusion misfeasance.

SEC. 4. Any officer of the city and county, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of misfeasance, and shall be removed from office.

Penalty. Contracts, etc.

SEC. 5. All contracts provided for in this chapter must be in writing, and executed in the name of the city and county by the clerk of the supervisors, and registered by number and date in a book kept by him for that purpose. When a contractor fails to enter into the contract awarded to him, or to perform the same, new bids must be invited, and a contract awarded as provided herein in the first instance. When the supervisors believe that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby, they may reject any and all bids, and cause the notice for proposals to be re-advertised.

Term of lighting contracts.

SEC. 6. No contract for lighting streets, public buildings, places or offices, shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminating material, at a higher rate than the minimum price charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the board or department using or having charge thereof, and shall specify the amount of gas, electric light or illuminating material consumed in such building during the month.

### ARTICLE III.

#### FINANCE AND TAXATION.

##### *Chapter I.—Levying of Taxes.*

Levying of taxes.

SECTION 1. On or before the first Monday of April in each year the heads of departments, offices, boards and commissions of the city and county shall send to the supervisors an

estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

SEC. 2. On or before the first Monday of May in each year the auditor shall transmit to the supervisors an estimate of the probable expenditures of the city and county government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Auditor's  
duty.

SEC. 3. The supervisors shall meet annually between the first Monday of May and the first Monday of June, and by vote of a majority of all the members thereof make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city and county for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum, and the items thereof allowed to each department, office, board or commission, as the supervisors shall deem advisable.

Super-  
visors to  
make  
budget.

Before finally determining upon the budget, the supervisors shall fix such sufficient time or times as may be necessary to allow the taxpayers to be heard in regard thereto, and the supervisors shall attend at the time or times so appointed for such hearing.

SEC. 4. Any item in said budget may, within ten days, be vetoed in whole or in part by the mayor, and it shall require fifteen votes of the supervisors to overcome such veto. Action thereon must be taken before the last Monday of June.

Mayor may  
veto items.

After the final estimate is made in accordance herewith, it shall be signed by the mayor and the clerk of the supervisors, and the several sums shall then be appropriated for the ensuing fiscal year to the several purposes and departments therein named. The estimate shall be filed in the office of the auditor.

SEC. 5. The supervisors must cause to be raised annually according to law, and collected by tax, the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

SEC. 6. Except as otherwise provided in this charter, no money shall be drawn from the treasury unless in consequence of appropriations made by the supervisors and upon warrants duly drawn thereon by the auditor.

Warrants.

SEC. 7. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEC. 8. The supervisors may appropriate thirty-six thousand dollars a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this appropriation

Urgent ne-  
cessities.

unless authorized by a five-sixths vote of all the members of the board of supervisors and approved by the mayor.

One-twelfth limit.

SEC. 9. It shall not be lawful for the supervisors, or for any board, department, officer or authority having power to incur, authorize or contract liabilities against the treasury, to incur, authorize, allow, contract for, pay or render payable in the present or future, in any one month, any expenditure, demand or demands, against any appropriation, which, taken with all other expenditures, indebtedness or liability made or incurred up to the time in such month of making or incurring the same, shall exceed one-twelfth part of the amount of the appropriation for the fiscal year.

Liabilities to be registered.

When any board, department or officer having power to incur liabilities against the treasury shall make any agreement for obtaining supplies or having labor performed, such department, officer or board shall register such agreement by number and date, and all demands arising under such agreement shall be payable in the order of such registration. Such department, board or officer must inform the person with whom it is proposed to make such agreement of the amount of money available or likely to be available in the fund from which such demands are payable.

Unexpended balances may be carried forward.

If, at the beginning of any month, any money remains unexpended in any appropriation which might lawfully have been expended during the preceding month, such unexpended sum or sums, except so much thereof as may be required to pay all unpaid claims upon such appropriation, may be carried forward and expended in any succeeding month of such fiscal year; but not afterwards, except in payment of claims lawfully incurred during such fiscal year. Appropriations provided to meet the expense of elections; for the support and maintenance of the assessor's and tax collector's departments; and for urgent necessities, shall be exempt from the provisions of this section.

Contracts must be indorsed.

SEC. 10. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force, unless the auditor shall indorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Exception.

Auditor's weekly statement.

Sec. 11. On or before the last Monday of June in each year the supervisors shall levy the amount of taxes for city and county purposes required to be levied upon all property not exempt from taxation. The amount shall be sufficient to provide for the payment during the fiscal year of all demands upon the treasury authorized to be paid out of the same; but such levy, exclusive of the state tax and the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the city and county, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares, and public grounds of the city and county, shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The supervisors in making the levy shall apportion the taxes to the several funds. Tax levy.

Sec. 12. In making the apportionment, the supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees, and other sources; but the income to pay the interest on the bonded indebtedness and provide for the sinking funds shall always be provided for out of the tax on property. Apportionment.

Sec. 13. The limitation in section eleven of this chapter upon the rate of taxation shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended so as to enable the supervisors to provide for such necessity or emergency. No increase shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance passed by the unanimous vote of the supervisors and approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law, or which cannot be paid out of the income and revenue provided, collected, and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year. Limitation and increase in tax rate.

Sec. 14. The supervisors shall fix the amount of municipal revenues and provide for the collection thereof. They shall from time to time provide for the payment of the interest and principal of the bonds for which the city and county is liable. What liabilities prohibited.

Sec. 15. The supervisors shall authorize the disbursement of all public moneys, except as otherwise specifically provided in this charter. Duties of supervisors.

Sec. 16. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands finally adjudicated, the supervisors shall direct the treasurer to transfer all surplus moneys to a fund to be called the surplus fund, except such surplus moneys as are in the several interest and sinking funds, in the common school fund, in the park fund, the library fund, the police relief Same.

Surplus moneys.

and pension fund, in the firemen's relief and pension fund, and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

*Chapter II.—The Several Funds.*

Funds.

SECTION 1. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another or to use the same in payment of demands upon another fund. The provisions of this section shall not apply to fees paid into the treasury and placed temporarily to the credit of the unapportioned fee fund under the provisions of Chapter III of this article.

SEC. 2. The several funds in the treasury authorized by law at the time this charter takes effect, or provided for by this charter, shall continue therein so long as there shall be occasion therefor; and the moneys therein, or which may belong thereto, shall not be used for any purpose other than that for which the same were raised, except as otherwise provided in this charter.

General fund.

The general fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

Park fund.

The park fund shall consist of the moneys annually apportioned to said fund by virtue of the tax provided for in this charter for the maintenance, preservation and improvement of the parks, squares, avenues and public grounds of the city and county; of all moneys accruing from rents of buildings under the jurisdiction of the park commissioners; and of all moneys coming into the hands of said commissioners whether from donations or otherwise. Out of said fund shall be paid all the expenses of every kind for the preservation, maintenance and improvement of the parks, squares, avenues and public grounds of the city and county.

Library fund.

The library fund shall consist of the moneys annually apportioned to said fund by virtue of the tax provided for in this charter for the maintenance of library and reading-rooms, and the purchase of books therefor. Out of said fund shall be paid all the expenses necessary to the maintenance of such library and reading-rooms and the purchase of books therefor.

Surplus fund.

SEC. 3. The surplus fund shall consist of the moneys remaining at the end of any fiscal year in any other funds (except the common school fund and the other funds by this charter otherwise expressly provided for) after all valid demands, indebtedness and liabilities against said funds incurred within such fiscal year have been paid and discharged; *provided*, that all disputed or contested claims payable out of such funds have been finally adjudicated.

Uses of surplus fund.

The surplus fund shall be used for the purposes and in the order following :

1. In payment of any final judgment against the city and county.

2. In liquidation and extinguishment, under such regula-



tions as the supervisors may adopt, of any outstanding funded debt of the city and county.

3. To be carried over and apportioned among the funds and used in the ensuing fiscal year as part of the income and revenue thereof.

Sec. 4. The special deposit fund shall consist of:

Special deposit fund.

1. All moneys paid into court and deposited with the treasurer by the county clerk.

2. All moneys received by the public administrator and deposited by him with the treasurer.

3. All moneys deposited with the treasurer on special deposit.

The moneys in the special deposit fund shall be paid out in the manner prescribed by law.

Sec. 5. Except as otherwise provided in this charter, any moneys remaining at the end of any fiscal year in any interest and sinking fund or a fund provided by a special bond issue for a specific purpose, the common school fund, the park fund, the library fund, the firemen's relief and pension fund, police relief and pension fund, and the public building fund shall be carried forward and apportioned to said respective funds for the ensuing fiscal year.

Funds to be carried forward.

Sec. 6. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year, for lack of money 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.

Unpaid demands.

Sec. 7. When there shall be to the credit of any sinking fund in the treasury a sum not less than twenty thousand dollars which may be applied to the redemption of any outstanding bonds to which such fund is applicable, which are not redeemable before their maturity, it shall be the duty of the mayor, auditor and treasurer to advertise for thirty days, inviting proposals for the surrender and redemption of the bonds.

Sinking fund.

After such advertisement the money in such sinking fund, or such portion thereof as may be required therefor, shall be awarded to the person or persons offering to surrender said bonds for the lowest price. Upon such award, when duly audited, the treasurer shall, upon the surrender of the bonds, pay the amount to the person or persons to whom the same was awarded. No bid for the surrender of any of the bonds shall be accepted which shall require a greater sum of money for their redemption than the then worth of the principal and interest of the bonds, calculated with interest, not exceeding four per centum per annum.

Payment of surrendered bonds.

### Chapter III.—The Custody of Public Moneys.

SECTION 1. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city and county or

Public moneys.

any department thereof, in his official capacity, for the performance of any official duty, and all moneys accruing to the city and county from any source, and all moneys directed by law or this charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury. No officer or person other than the treasurer shall pay out or disburse such moneys, or any part thereof, upon any allowance, claim or demand.

Officers or employes shall not accept fees.

SEC. 2. Salaried officers shall not receive nor accept any fee, payment, or compensation, directly or indirectly, for any services performed by them in their official capacity, nor any fee, payment, or compensation, for any official service performed by any of their deputies, clerks, or employes, whether performed during or after official business hours. No deputy, clerk, or employe of such officers shall receive or accept any fee, compensation or payment, other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

Disposition of fees.

SEC. 3. Every fee, commission, percentage, allowance, or other compensation authorized by law to be charged, received, or collected by any officer for any official service, must be paid by the officer receiving the same to the treasurer in the manner herein provided.

Fees to be paid to treasurer daily.

SEC. 4. It shall be the duty of every officer authorized by law to charge, receive or collect any fee, commission, percentage, allowance, or compensation for the performance of any official service or duty of any kind or nature, or rendered in any official capacity, or by reason of any official duty or employment, to deliver the same to the treasurer at the expiration of each business day. The treasurer shall thereupon deliver to such officer a receipt for the money so paid, which shall show the amount of money received, the day and hour when paid, the name of the officer paying the same, the nature of the service performed, and the name and official designation of the person by whom the service was performed; and like entries shall be made upon the stub of such receipt, which shall be kept by the treasurer. The treasurer shall place all such moneys in a fund to be designated the "unapportioned fee fund," which is hereby created, and shall keep such fund as other funds in the treasury are kept, and shall be liable on his official bond for all money so received.

Treasurer's duty.

Unapportioned fee fund.

Receipts, auditor's duty.

SEC. 5. The auditor or other proper officer must prepare and deliver from time to time to the treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, for the performance of any official service or duty, as many official receipts as may be required, charging therewith the treasurer or other officer receiving them. Such official receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided

with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

Sec. 6. When a receipt, as herein provided, is issued by the treasurer, he must state therein the date of payment, the name of the person making the payment, the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of each receipt. Receipts, treasurer's duty.

Sec. 7. When any receipt is issued by any officer other than the treasurer, as herein provided, he shall state therein the day and hour of the delivery to him of the treasurer's receipt, the nature of the service therein described, and the amount charged therefor, and the name of the person by whom such receipt is delivered to him, and shall make corresponding entries on the stub to which such receipt is attached. Receipts, duties of other officers.

Sec. 8. On the first day of each month the treasurer must make to the auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the auditor, the treasurer shall exhibit to the auditor all official receipts received by him during the previous month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month. Treasurer's monthly report.

Sec. 9. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make to the auditor a report under oath of all official receipts issued by him during the preceding month, showing the date and number of each receipt, to whom issued, the nature of the service for which the charge was made, and the amount of such charge; and must at the same time, or oftener, if required, exhibit to the auditor, or other proper officer, all the treasurer's receipts deposited with him during the preceding month, and all receipts remaining in his hands, unused or not issued, at the close of business on the last day of each preceding month. Monthly reports of officers.

Sec. 10. Upon receiving the reports prescribed by sections eight and nine of this chapter, the auditor shall examine and settle the accounts of each officer, and apportion such moneys to the fund or funds to which they are appropriated by law, and certify such apportionment to the treasurer, who shall thereupon transfer from the "unapportioned fee fund" the amounts so certified, and credit each fund entitled thereto with the proper amount so apportioned. Reports, auditor's duty.

Sec. 11. Every officer who is by law allowed to charge and collect mileage for the service of process, or other like service, Mileage.

Mileage. shall at the end of each month prepare and deliver to the auditor a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually traveled in making such service, the exact day when such service was made, and between what hours of the day, and such statement shall be verified by the oath of such officer. The auditor shall examine such statement, and issue his warrant upon the treasurer for such amount of money as will reimburse such officer for his lawful expenses in making such service. Such warrant shall be paid by the treasurer, without further approval, out of the "unapportioned fee fund." No extra mileage shall be charged or allowed for service of two or more processes served on the same trip by the same deputy or deputies, except for extra mileage actually traveled in serving additional process. All mileage charged in violation of this section shall be disallowed by the auditor, and all amounts disallowed for any reason shall be apportioned as other moneys in the "unapportioned fee fund."

Employment of extra assistants.

SEC. 12. When an officer, legally authorized to employ a person other than one of his deputies or assistants at a stated compensation fixed by law, has employed such person, and in pursuance of such employment such person has rendered the service for which he was employed, such officer shall, at the end of each month, prepare and deliver to the auditor a statement, verified by the oath of such officer, showing the case or instance in which such service was performed, for whom performed, the name of the person so employed, by whom the service was performed, the amount of the charge therefor, the time actually employed in performing such service, and the dates of the beginning and ending of the period during which such person was so employed. The auditor shall thereupon examine such statement, and if he finds the same correct, he shall audit and allow the verified demand of such person so employed and performing the service for the sum or sums so earned by him for such service, and the treasurer shall pay such demand so audited and allowed, without further approval, out of the "unapportioned fee fund."

Allowance of demands.

SEC. 13. The demand of the auditor for his monthly salary shall be audited and allowed by the mayor. All other demands on account of salaries fixed by law, ordinance, or this charter, and made payable out of the treasury, may be allowed by the auditor without any previous approval. All demands payable out of the common school fund must, before they can be allowed or paid, be previously approved by the board of education. Demands payable out of the treasury for salaries, wages, or compensation of deputies, clerks, assistants, or employés, in any office or department, must, before they can be audited or paid, be first approved in writing by the officer, board, department, or authority under whom, or in which, such demand originated. All other demands payable out of any funds in the treasury, must, before they can be allowed by the auditor, or recognized, or paid, be first approved by the

department, board or officer, in which the same has originated, and in all such cases must be approved by the supervisors.

Every demand against the city and county shall, in addition to the other entries and indorsements upon the same required by this charter, show: Demands must show.

1. The ordinance or authorization under which the same was allowed.
2. The name of the board, department or authority authorizing the same.
3. The fiscal year within which the indebtedness was incurred.
4. The appropriation provided to meet the demand.
5. The name of the specific fund out of which the demand is payable.

Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred, and shall refer to Chapter II of this article, and be numbered with reference to the fund out of which it is payable. Must contain statement.

Sec. 14. Whenever any person has, or has received, moneys or other personal property belonging to the city and county, or has been intrusted with the collection, management or disbursement of any moneys, bonds, or interest accruing therefrom, belonging to or held in trust by the city and county, and fails to render an account thereof to, and make settlement with, the treasurer within the time prescribed by law; or, when no particular time is specified, fails to render such account and make such settlement, or who fails to pay into the treasury any moneys belonging to the city and county upon being required to do so by the auditor, within twenty days after such requisition, the auditor must state an account with such person, charging twenty-five per centum damages, and interest at the rate of ten per centum per annum from the time of such failure. Failure to render statement.

A copy of such account in any suit therein is prima facie evidence of the things therein stated. In case the auditor cannot for want of information state an account, he may in any action brought by him aver that fact, and allege generally the amount of money or other property which is due to or which belongs to the city and county. The city attorney must prosecute all actions that may be brought under this section within ten days after notification by the auditor. Penalty.  
Statement of account.  
Prosecution.

#### *Chapter IV.—Payment of Claims.*

SECTION 1. The salaries and compensation of all officers, including policemen and employes of all classes, and all teachers in the public schools, and others employed at fixed wages, shall be payable monthly. Any demand upon the treasury accruing under this charter shall not be paid, but shall be forever barred by limitation of time, unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or, if it be a demand which Payment of claims.

Payment  
of claims.

must be passed and approved by the supervisors or board of education, or by any other board, then within one month after the first regular meeting of the proper board held next after the demand accrued; or, unless the supervisors shall, within six months after the demand accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal, and the presentation of it, as above required, was not in the power either of the original party interested or his agent, or the present holder; in which case they may by ordinance revive such claim; but it shall be barred in the same manner unless presented for payment within twenty days thereafter. No valid demand arising subsequent to the claim which may be revived as aforesaid shall be rendered invalid by reason of such revival exhausting the fund out of which subsequent claims might otherwise be paid. Such revived claim shall take rank as of the day of its revival.

## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

#### *Chapter I.—The Mayor.*

Mayor.

SECTION 1. The chief executive officer of the city and county shall be designated the mayor. He shall be an elector of the city and county at the time of his election, and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of six thousand dollars. He may appoint a secretary, who shall receive an annual salary of twenty-four hundred dollars; an usher, who shall receive an annual salary of nine hundred dollars; and a stenographer and typewriter, who shall receive an annual salary of nine hundred dollars. All of said appointees shall hold their positions at the pleasure of the mayor.

Clerical  
force.

Duties.

SEC. 2. The mayor shall vigilantly observe the official conduct of all public officers and the manner in which they execute their duties and fulfill their obligations. The books, records and official papers of all departments, officers and persons in the employ of the city and county shall at all times be open to his inspection and examination. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal and proper form. When any official defalcation or willful neglect of duty or official misconduct shall come to his knowledge, he shall suspend the delinquent officer or person from office pending an official investigation.

Recom-  
menda-  
tions.

The mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the state and ordinances of the city and county are observed and enforced. He shall have a general supervision

over all the departments and public institutions of the city and county, and see that they are honestly, economically and lawfully conducted, and shall have the right to attend the meetings of any of the boards provided for in this charter, and offer suggestions at such meetings. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and command the police force. If such police force is insufficient, he shall call upon the governor for military aid in the manner provided by law, so that such riots or tumults may be promptly and effectually suppressed.

Suppress  
riots, etc.

SEC. 3. The mayor shall see that all contracts and agreements with the city and county are faithfully kept and fully performed. It shall be the duty of every officer and person in the employ or service of the city and county, when it shall come to his knowledge that any contract or agreement with the city and county, 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. A willful failure to do so shall be cause for the removal of such officer or employé. The mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty.

Mayor  
must see  
that con-  
tracts are  
performed.

The mayor must institute such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city and county to any person, company or corporation which have been forfeited in whole or in part, or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

Must in-  
stitute  
actions.

The mayor shall have power to postpone final action on any franchise that may be passed by the supervisors until such proposed franchise shall be ratified or rejected by a majority of the votes cast on the question at the next election.

SEC. 4. The mayor shall appoint all officers of the city and county whose election or appointment is not otherwise specially provided for in this charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this charter or by law for filling the same, the mayor shall appoint a suitable person to fill such vacancy, who shall hold office for the remainder of the unexpired term.

Appoint-  
ments.

SEC. 5. The mayor shall be president of the board of supervisors by virtue of his office. He may call extra sessions of the board, and shall communicate to them in writing the objects for which they have been convened; and their acts at such sessions shall be confined to such objects.

President  
of board of  
supervis-  
ors.

SEC. 6. When and so long as the mayor is temporarily unable to perform his duties, a member of the board shall be chosen president pro tempore, who shall act as such mayor.

President  
pro tem.

Vacancy. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the supervisors.

*Chapter II.—The Auditor.*

Auditor, powers and duties. SECTION 1. The head of the finance department of the city and county shall be designated the auditor. He shall be an elector of the city and county at the time of his election, and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars. The auditor must always know the exact condition of the treasury and every demand upon it. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and county, and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city and county, its debts, revenues, and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof, upon demand of the mayor, the supervisors, or any committee or members thereof.

Shall appoint deputies. SEC. 2. The auditor shall appoint a deputy auditor, who shall possess the qualifications required of the auditor, and who shall receive an annual salary of twenty-four hundred dollars. The auditor may also appoint two assistant deputies, who shall each receive an annual salary of fifteen hundred dollars, and two clerks, who shall each receive an annual salary of twelve hundred dollars. He may employ such number of extra clerks during the time their services may be necessary for the lawful discharge of his official duties, as the board of supervisors may designate. Such extra clerks shall each receive a salary not to exceed one hundred dollars a month for the time they shall be actually employed. The auditor shall be allowed to expend not exceeding eighteen hundred dollars a year for counsel and attorney's fees.

Clerks.

Demands to be audited. SEC. 3. The auditor shall keep an account of all moneys paid into and out of the treasury, and the treasurer shall pay no money out of the treasury except upon demands approved by the auditor. Any ordinance or law providing for the payment of any demand out of the treasury or any fund thereof (whether from public funds or from private funds deposited therein) shall always be construed as requiring the auditing of such demand by the auditor before the same be paid.

Demands to be numbered and recorded. SEC. 4. He shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and, if previously approved or allowed, by what officer, department or board it has been so approved or allowed. It shall be misconduct in office for the auditor to deliver a demand with his official approval until this requirement shall have been complied with.



SEC. 5. The auditor shall approve no demand unless the same has been allowed by every officer, board, department and committee required to act thereon.

Demands, when may be approved.

SEC. 6. No demand shall be allowed by the auditor in favor of any corporation or person in any manner indebted to the city and county, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulations of the supervisors; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, nor in favor of any officer or employé for the time he shall have absented himself without legal cause from the duties of his office during office hours. The auditor must always examine on oath, any person receiving a salary from the city and county touching such absence.

The auditor may require any person presenting for settlement an account or claim for any cause against the city and county to be sworn before him touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justice of such account or claim. Moneys placed in the special deposit fund shall not be subject to the provisions of this section.

May require oath.

SEC. 7. Every demand upon the treasurer, except the salary of the auditor, must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable, and out of what fund it is payable. If he allow it, he shall indorse upon it the word "allowed," with the name of the fund out of which it is payable, and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, date and amount composing it, and refer by chapter and section to the provisions of this charter authorizing the same.

Demands must be indorsed.

SEC. 8. The auditor shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, when the liability accrued, and a receipt from the person to whom the warrant is delivered. He shall not allow any demand out of its order, nor give priority to one demand over another drawn upon the same specific fund, except for the purpose of determining its legality.

Warrant register.

### Chapter III.—The Treasurer.

SECTION 1. There shall be a treasurer of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least

Treasurer, powers and duties.

Treasurer,  
powers and  
duties.

five years next preceding such time. He shall be elected by the people, and hold his office for two years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; two assistant deputies, who shall each receive an annual salary of eighteen hundred dollars, and one clerk, who shall receive an annual salary of twelve hundred dollars.

SEC. 2. The treasurer shall receive and safely keep all moneys which shall be paid into the treasury. He shall not lend, exchange, use, nor deposit the same, or any part thereof, to or with any bank, banker or person; nor pay out any part of such moneys, nor allow the same to pass out of his personal custody, except upon demands authorized by law or this charter, and after they shall have been approved by the auditor. At the close of business each day he shall take an account of and enter in the proper book the exact amount of money on hand. At the end of every month he shall make and file with the mayor, and publish quarterly in the official newspaper, a statement of the condition of the treasury, showing the amounts of receipts into and payments from the treasury, and on what account, and out of what fund. If he violate any of the provisions of this section, he shall be guilty of misconduct in office, and be liable to removal therefrom, and be proceeded against accordingly.

He shall keep the accounts belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another. He shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same, from whatsoever source received or derived, shall be paid by him into the treasury.

Auditor  
and treas-  
urer joint  
custodi-  
ans.

SEC. 3. For the better security of the moneys in the treasury, there shall be provided a joint custody safe in which shall be kept the moneys of the city and county. Said safe shall have two combination locks, neither one of which alone will open the safe. The treasurer shall have the knowledge of one combination and the auditor of the other. The auditor shall be joint custodian with the treasurer of all funds in the joint custody safe; but shall have no control over them except to open and close the safe in conjunction with the treasurer, when requested to do so in his official capacity, and shall not be held responsible on his official bond for any shortage which may occur in the treasury.

Coin bags.

The gold shall be kept in bags containing twenty thousand dollars each, and the silver in bags containing one thousand dollars each. To each bag shall be attached a tag showing the nature and amount of coin contained herein. Each bag shall be sealed with the seal of each custodian.

Joint cus-  
tody book.

There shall be kept in the safe a joint custody book, showing the amount and description of all funds in the safe, and whenever any amounts are withdrawn, the auditor and treasurer

shall make the proper entry in the joint custody book and initial the same. If on account of sickness or urgent necessity the auditor is unavoidably absent the deputy auditor shall perform his duties. The estimated amount of money required daily for the payment of demands against the treasury shall be taken from the joint custody safe and kept in another safe; and the money therein shall be balanced daily at the close of business hours.

Daily  
balance.

Sec. 4. The treasurer, on receiving any money into the treasury, shall make out and sign two receipts for the money. Such receipts shall be alike, except upon the face of one of them shall appear the word "original," and upon the face of the other shall appear the word "duplicate." Such receipts shall be numbered and dated, and shall specify the amount, on what account, and from what person or officer received, and into what fund or on what account paid. The treasurer shall enter upon the stubs of such receipts a memorandum of the contents thereof, and deliver the receipt marked "original" to the person or officer paying such money into the treasury, and forthwith deliver the receipt marked "duplicate" to the auditor, who shall write upon its face the date of its delivery to him, and charge the treasurer with the amount specified therein, and file the receipt in his office.

Duplicate  
receipts.

Sec. 5. No demand shall be paid by the treasurer unless it specify each several item, date and amount composing it, and refer by title, date and section to the law, or ordinance or provision of this charter authorizing the same; but the allowance or approval of the auditor, or of the supervisors, or of any department, board or officer, of any demand which is not authorized by law or this charter, and which upon its face appears not to have been expressly made payable out of the funds to be charged therewith, shall afford no warrant to the treasurer for paying the same.

Demands  
must specify what.

Sec. 6. Every lawful demand upon the treasury, audited and allowed as in this charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable to the payment of such demand, and on payment canceled with a punch, cutting the word "canceled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the treasurer. Such register shall show the special number given by the supervisors or other authority, and also by the auditor to each demand presented, also when presented, the date, amount, name of original holder, and on what account allowed and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the indorsement of the word "registered," and dated and signed by the treasurer; but the registration of any demand shall not operate to recognize or make valid such demand if incurred contrary to any of the provisions of this charter.

Demands.  
how canceled.

Demands payable in order of registration.

*Chapter IV.—The Assessor.*

- Assessor.** SECTION 1. There shall be an assessor of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of eighteen hundred dollars; six assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; twenty-one clerks, who shall each receive an annual salary of twelve hundred dollars; and during four months of the year not more than one hundred clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment.
- Appoint-ments by.**
- Duties.** SEC. 2. The assessor shall assess all taxable property within the city and county at the time and in the manner prescribed by the general laws of the state.

*Chapter V.—The Tax Collector.*

- Tax col-lector.** SECTION 1. There shall be a tax collector of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint one chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of twenty-four hundred dollars; fifteen deputies, who shall each receive an annual salary of fifteen hundred dollars; and extra clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment, but the total amount of payment for such extra clerks shall not exceed thirty-six thousand dollars a year.
- Appoint-ments by.**
- Powers and duties.** SEC. 2. The tax collector must collect all licenses which may at any time be required by law or ordinance to be collected within the city and county. He shall be charged with all taxes levied upon real and personal property within the city and county, upon the final settlement to be made by him according to law or this charter. He shall pay into the treasury, without any deduction for commissions, fees or charges of any kind, or on any account, the full amount of all taxes, assessments and moneys received by him and not previously paid over, including all moneys paid under protest, and money received for taxes paid more than once, and for street assessments. He shall also be charged with, and be debtor to the city and county for the full amount of all taxes due upon the delinquent tax list delivered to him for collection, unless it

appear to the satisfaction of the supervisors, expressed by resolution, that it was out of his power to collect the same by levy and sale of property liable to be seized and sold therefor.

Tax collector, powers and duties.

SEC. 3. The tax collector may appoint an attorney to prosecute actions for the collection of delinquent taxes, and may agree on paying him as compensation therefor a stated percentage out of the amounts recovered; but such percentage shall in no case exceed fifteen per centum of the amounts recovered.

May appoint attorney.

SEC. 4. He shall examine all persons liable to pay licenses, and see that licenses are taken out and paid for. In the performance of their official duties, he and his deputies shall have the same powers as police officers in serving process and in making arrests. He may demand the exhibition of any license for the current term from any person, firm or corporation, engaged or employed in the transaction of any business for which a license is required; and if such person, firm or corporation shall refuse or neglect to exhibit such license, the same may be revoked forthwith by the tax collector.

Licenses.

SEC. 5. The auditor shall from time to time deliver to the tax collector such city and county licenses as may be required, and sign the same and charge them to the tax collector, specifying in the charge the amounts thereof named in such licenses respectively and the class of licenses, and take receipts therefor, and the tax collector shall sign and collect the same. The tax collector shall once in every month, and oftener when required by the auditor, make to the auditor a report under oath of all licenses sold and on hand, and of all amounts paid to the treasurer, and shall also in that regard comply with the regulations which may be prescribed by the supervisors. At the time of making such report, the tax collector shall exhibit to the auditor all licenses on hand and the treasurer's receipts for all moneys paid into the treasury.

Auditor to sign licenses.

#### Chapter VI.—The Coroner.

SECTION 1. There shall be a coroner of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such election. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars. He shall perform such duties as may be prescribed by law or ordinance. He shall have the control and management of the morgue of the city and county under such ordinances as the supervisors may adopt.

Coroner.

SEC. 2. He may appoint an autopsy physician, who shall receive an annual salary of twenty-four hundred dollars; a chief deputy who shall receive an annual salary of twenty-four hundred dollars; three assistant deputies who shall each receive an annual salary of fifteen hundred dollars; a stenographer and typewriter who shall receive an annual salary of eighteen hundred dollars; and a messenger who shall receive an annual salary of nine hundred dollars.

Appointments by.

*Chapter VII.—The Recorder.*

Recorder. SECTION 1. There shall be a recorder of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such election. He shall be elected by the people and hold office for two years. He shall receive an annual salary of thirty-six hundred dollars. He may appoint a chief deputy, who shall receive an annual salary of eighteen hundred dollars; two assistant deputies, who shall each receive an annual salary of fifteen hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than eight cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred dollars a month.

Appoint-  
ments by.Custodian  
of records,  
etc.

SEC. 2. The recorder shall take into his custody and safely keep all books, records, maps and papers deposited in his office. Upon demand and payment of the fees prescribed therefor by law or by ordinance, he must furnish to any one applying therefor a copy of any such book, record, map or paper, certified under the hand and seal of his office. When any papers are presented for filing or recording, he or his deputies shall write on the margin of each paper so presented the number of folios, the amount paid for recording the same, and shall number consecutively all instruments and documents filed in his office. He shall also perform all other duties at the time and in the manner prescribed by the general laws of the state.

## ARTICLE V.

## LEGAL DEPARTMENT.

*Chapter I.—The Superior Court Judges.*Court in-  
terpreters  
and sten-  
ographers.

SECTION 1. The judges of the superior court of the city and county may appoint not to exceed five interpreters of foreign languages, who shall act as such interpreters in criminal actions and proceedings in all the courts in the city and county, and in examinations before coroner's juries.

SEC. 2. The stenographers in the criminal departments of the superior court shall each receive an annual salary not exceeding twenty-four hundred dollars, which shall be in full compensation for all services, including transcription and all stationery used by them.

*Chapter II.—The City Attorney.*City  
attorney.

SECTION 1. There shall be an attorney and counselor of the city and county, who shall be styled city attorney, and who shall receive an annual salary of five thousand dollars. He shall be elected by the people and shall hold office for the period of two years. He must be at the time of his election

an elector of the city and county and qualified to practice in all the courts of this state, and he must have been so qualified for at least ten years next preceding his election, during five years of which he must have been an actual resident of the city and county. He shall devote his entire time and attention to the duties of his office. City attorney.

SEC. 2. He must prosecute and defend for the city and county all actions at law or in equity, and all special proceedings for or against the city and county; and whenever any cause of action at law or in equity or by special proceedings exists in favor of the city and county, he shall commence the same when within his knowledge, and if not within his knowledge, when directed to do so by resolution of the supervisors. He shall give legal advice, in writing, to all officers, boards, and commissions named in this charter, when requested so to do by them, or either of them, in writing, upon questions arising in their separate departments involving the rights or liabilities of the city and county. He shall not settle or dismiss any litigation for or against the city and county under his control unless upon his written recommendation he is ordered to do so by the mayor and supervisors. Duties.

SEC. 3. He shall keep on file in his office all written communications and opinions given by him to any officer, board, or department; the briefs and transcripts used in causes wherein he appears; and bound books of record and registry of all actions or proceedings in his charge in which the city and county is interested.

SEC. 4. He shall deliver all books and records, reports, documents, papers, statutes, law books, and property of every description in his possession, belonging to his office, or to the city and county, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

SEC. 5. The city attorney may appoint four assistants, the first of whom shall receive an annual salary of thirty-six hundred dollars; the second an annual salary of three thousand dollars; the third an annual salary of twenty-four hundred dollars, and the fourth an annual salary of eighteen hundred dollars. He may also appoint a chief clerk, who shall receive an annual salary of eighteen hundred dollars; an assistant clerk, who shall receive an annual salary of nine hundred dollars; a stenographer and typewriter, who shall receive an annual salary of nine hundred dollars; and a messenger, who shall receive an annual salary of nine hundred dollars. An officer of the police department shall be permanently detailed by the chief of police for the purpose of doing the detective work necessary in preparing and prosecuting the litigation of the office, who shall continue to serve on such detail during the pleasure of the city attorney. The assistants and the chief clerk must each, at the time of his appointment, be qualified to practice in all the courts of this state, and must have been so qualified at least two years next preceding his appointment. The assistants, clerks, typewriter and messenger shall be Appointments by.

appointed by the city attorney, and shall hold their offices at his pleasure, and the specific duties of each shall be prescribed by him.

*Chapter III.—The District Attorney.*

District  
attorney,  
powers and  
duties.

SECTION 1. The district attorney shall be elected by the people and shall hold office for two years. He shall be an elector of the city and county, and must at the time of his election be qualified to practice in all the courts of this state, and must have been so qualified for at least five years next preceding his election. He shall receive an annual salary of five thousand dollars.

SEC. 2. The district attorney shall have all the powers conferred, and shall discharge all the duties imposed, upon the district attorneys of counties by the general laws of this state, and in addition thereto shall attend, institute and conduct on behalf of the people, all prosecutions cognizable in the police court of the city and county. He shall draw all complaints and warrants in said police court, prosecute all forfeited recognizances therein, and all actions for the recovery of fines, penalties, and forfeitures accruing to the city and county; deliver receipts for money or property received in his official capacity, and file duplicates therefor with the county treasurer; file with the auditor on the first Mondays of January, April, July and October in each year, an itemized statement under oath showing all moneys received by him in his official capacity during the preceding three months; keep a register of his official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially by him, and of the proceedings therein; and give, when required, without fee, advice to the board of police commissioners, the chief of police, the board of health, and the coroner, upon matters relating to the duties of their respective offices.

Appoint-  
ments by.

SEC. 3. He may appoint seven assistant district attorneys to aid him in the discharge of his official duties, three of whom shall act as prosecutors in the superior court, and shall each receive an annual salary of thirty-six hundred dollars, and four of whom shall act as the prosecuting attorneys of the police court, and shall each receive an annual salary of twenty-four hundred dollars. When any of the assistants of the district attorney acting as such prosecuting attorneys in the police court are not actually engaged in work connected with prosecutions therein, they shall be at the call of the district attorney for any service connected with his department. The assistants must each, at the time of his appointment, be qualified to practice in all the courts of this state, and must have been so qualified for at least two years next preceding his appointment. The district attorney may also appoint one chief clerk, who shall receive an annual salary of eighteen hundred dollars; one assistant clerk, who shall receive an annual salary of twelve hundred dollars; and one stenographer and typewriter, who shall receive an annual salary of nine hundred dollars.



SEC. 4. The district attorney may, in the name of the city and county, bid for and purchase property at execution sales under judgments for the recovery of fines, penalties or forfeitures accruing to the city and county.

District attorney to purchase property.

#### *Chapter IV.—The Public Administrator.*

SECTION 1. The public administrator shall be elected by the people, and he shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the public administrators of counties by the general laws of this state, except as in this charter otherwise specifically provided. He shall be entitled to all such fees as may be allowed by law to the public administrators of the counties of the state in full compensation for all his services.

Public administrator.

#### *Chapter V.—The County Clerk.*

SECTION 1. The county clerk shall be elected by the people and shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed, upon the county clerks of counties by the general laws of this state, and in addition thereto shall attend and act as clerk of the police court, keep the dockets and registers thereof, and take charge of and safely keep all books, papers and records which may be filed or deposited in his office pertaining to the police court. He shall receive an annual salary of four thousand dollars.

County clerk, powers and duties.

SEC. 2. To aid him in the discharge of his official duties, the county clerk may appoint a chief register clerk, who shall receive an annual salary of twenty-four hundred dollars; a cashier, who shall receive an annual salary of eighteen hundred dollars; twelve court-room clerks for the superior court, who shall each receive an annual salary of fifteen hundred dollars; five register clerks, who shall each receive an annual salary of eighteen hundred dollars; ten assistant register clerks, who shall each receive an annual salary of fifteen hundred dollars; sixteen copyists, who shall each receive an annual salary of twelve hundred dollars; and four clerks for the police court, who shall each receive an annual salary of fifteen hundred dollars.

Appointments by.

SEC. 3. For copies of papers furnished and certified by him, he shall charge not more than eight cents for each one hundred words. For certifying copies, which are not prepared by him, he shall be entitled to charge twenty-five cents, and also forty cents an hour for the time exceeding one hour necessarily occupied in comparing such copies. He must certify all papers presented to him which are copies of any document, paper, or record, or portions thereof, in his custody.

Fees.

#### *Chapter VI.—The Sheriff.*

SECTION 1. The sheriff shall be elected by the people, and he shall hold office for two years. He shall receive an annual salary of eight thousand dollars, which shall be in full com-

Sheriff.

Sheriff,  
powers and  
duties.

compensation for all official services required of him by law; but said salary shall be exclusive of the compensation received by him from the state for the delivery of prisoners to the state prisons, and insane persons to the state asylums for the insane. He shall have all the powers conferred, and shall discharge all the duties imposed, upon the sheriffs of counties by the general laws of this state.

Appoint-  
ments by.

SEC. 2. He may appoint the following deputies and employés, who shall each respectively receive the following annual salaries:

One under sheriff, twenty-four hundred dollars; one attorney, eighteen hundred dollars; one chief bookkeeper, eighteen hundred dollars; two assistant bookkeepers, fifteen hundred dollars; ten office deputies, fifteen hundred dollars; fourteen bailiffs, twelve hundred dollars; one chief jailer at branch jail number one, eighteen hundred dollars; ten jailers at branch jail number one, twelve hundred dollars; one superintendent of branch jails numbers two and three, eighteen hundred dollars; sixteen guards at branch jail number two, six hundred dollars; one matron at branch jail number three, nine hundred dollars; six guards at branch jail number three, six hundred dollars; one commissary to act for all jails, fifteen hundred dollars; one driver of van, nine hundred dollars; and one bookkeeper for all said branch jails, fifteen hundred dollars.

SEC. 3. The sheriff may designate the services to be performed by his deputies.

#### *Chapter VII.—The Justices' Courts.*

Justices'  
courts.

SECTION 1. The justices of the peace shall each receive an annual salary of twenty-four hundred dollars, except the presiding justice, who shall receive an annual salary of twenty-seven hundred dollars. They shall appoint a chief clerk, who shall hold office for two years, and receive an annual salary of twenty-four hundred dollars. The chief clerk may appoint five deputies, each of whom shall receive an annual salary of twelve hundred dollars.

#### *Chapter VIII.—The Police Court.*

Police  
court.

Judges.

SECTION 1. There is hereby created and established in and for the city and county of San Francisco a court to be known as the police court of the city and county of San Francisco. Said court shall consist of four judges, who shall be elected by the people and hold office for four years. They shall each receive an annual salary of thirty-six hundred dollars. They shall be electors of the city and county at the time of their election, and must have been such for at least five years next preceding such time. No person shall be eligible to the office of judge of the police court who is not at the time of his election qualified to practice in all the courts of this state, and who has not been so qualified for at least five years next

preceding his election. The court shall be divided into departments known as department number one, department number two, department number three, and department number four. The judges of such court may hold as many sessions of the court at the same time as there are judges thereof. The judges who shall be elected at the first election under this charter shall so classify themselves by lot that two of them shall go out of office in two years and two of them in four years.

Departments.

They shall choose from their number a presiding judge, who shall serve for one year. The presiding judge shall assign the judges to their respective departments; but any of the judges may preside in any of the departments in the absence or inability of the judge regularly assigned thereto.

Presiding judge.

The judgments, orders and proceedings of any session of the court held by any one or more of the judges shall be equally effectual as if all the judges had presided at such session.

Sec. 2. The police court of the city and county of San Francisco shall have:

First—Exclusive jurisdiction of all prosecutions for the violation of ordinances of the board of supervisors.

Police court, jurisdiction.

Second—Concurrent jurisdiction with the superior court of all other misdemeanors and of the examination of all felonies committed in the city and county.

Third—Said court, or any judge thereof, shall have the same powers in all criminal actions, cases, examinations and proceedings as are now or may hereafter be conferred by law upon justices of the peace.

Sec. 3. Proceedings in said court shall be conducted in accordance with the laws of this state regulating proceedings in justices' and police courts and appeals to the superior court; and said court, or any judge thereof, shall have the same power in all criminal actions, cases and proceedings as are now or may be hereafter conferred by the general law of this state upon justices of the peace; *provided*, that:

Proceedings, how conducted.

First—No case shall be dismissed or fine imposed until the testimony for the prosecution shall be taken.

Second—Any defendant who neglects to file his statement on appeal within ten days after sentence shall lose his right to appeal, unless good cause for the delay be shown by affidavit. Press of business on the part of defendant's attorney shall not be deemed good cause for delay. Unless the district attorney shall file amendments to the proposed statement on appeal within five days after the same shall have been filed and served, the proposed statement on appeal shall be the statement on appeal. The judge before whom the case was tried shall settle the statement on appeal within five days after the district attorney shall have filed his amendments to the proposed statement.

Appeals.

Third—Any person who shall solicit or importune any of said judges, either before or after judgment, to dismiss a case, or mitigate a sentence, unless the same be done in open court, shall be guilty of a contempt of court.

Dismissals.

Police  
court, de-  
murrers in.

Fourth—A complaint may be demurred to on the ground that it does not set forth the offense charged with such particularities of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of, and the complaint may be amended by permission of the court after a demurrer is sustained.

Prece-  
dence.

Fifth—A defendant in custody shall have the right to be tried before a defendant on bail, and felonies shall be heard before misdemeanors.

Continu-  
ances.

Sixth—The judges of said court shall try all cases as speedily as possible, and must refuse continuances after the first calling of a case for trial except upon affidavit showing good cause therefor.

Bondsmen.

Seventh—Other than lawfully authorized surety companies, no person shall be eligible to be a bondsman for any defendant on trial in the police court, or on appeal from a judgment therein, except he take an oath that the property specified in the undertaking is in the city and county of San Francisco, and that he is worth the amount specified, exclusive of property exempt from execution, and exclusive of all demands for which he may become liable by reason of the forfeiture of any appeal or bail bonds for which he is surety.

District  
attorney  
must  
attend.

SEC. 4. The district attorney, either in person or by his assistants, must be present at the sessions of the court and attend to the prosecution of all cases coming before it, and make out all complaints and warrants for the arrest of persons charged with crime to be prosecuted in said court.

Warrant  
and bond  
clerk.

SEC. 5. The district attorney shall appoint a warrant and bond clerk, who shall receive a salary of twenty-four hundred dollars a year, and three assistant warrant and bond clerks, each of whom shall receive a salary of fifteen hundred dollars a year. No person shall be appointed a warrant and bond clerk who is not at the time of his appointment qualified to practice in all the courts of this state. The warrant and bond clerk shall keep his office open continuously, night and day, for the transaction of business; shall draw complaints in actions in the police court, and approve the same with his written signature; shall have the custody of all bail bonds and appeal bonds taken in the police court; shall examine the sufficiency of every bail bond and appeal bond taken in the police court, and make a return thereon, within forty-eight hours after such bond shall have come into his possession, in the following form:

"Return"  
on bonds.

"I, -----, warrant and bond clerk of the city and county of San Francisco, have examined the within bond and find it good in law. I have examined the records of the city and county of San Francisco, and find the property, its owners, and incumbrances herein described, to be correct, according to said records. (Signed, ----- warrant and bond clerk)."

The warrant and bond clerk shall indorse upon the bond the time when it was issued by him, or when it came into his possession. He may issue bail bonds and appeal bonds when the liability thereof does not exceed two thousand dollars, and

order the discharge from custody of the persons for whom the bonds are issued; and he may take cash bail to the extent in any one case of one thousand dollars. He must account for and pay to the treasurer all moneys received as bail, in the manner that the county clerk is required by law to account for and pay moneys received as fees. No clerk of the police court shall ever take bail or order the release of any one charged with an offense.

Cash bail,  
etc

SEC. 6. In the matter of fixing bail and ordering the release of prisoners the warrant and bond clerk shall be subject to the judges of the police court, and any violation of a valid order of any of said judges shall be a contempt of court.

Fixing  
bail.

SEC. 7. For any failure to keep the office of the warrant and bond clerk open continuously he shall be immediately removed from office by the district attorney or by the mayor.

Office to be  
open con-  
tinuously

SEC. 8. It shall be a misdemeanor for any person other than a judge of some court in the city and county, or other than said warrant and bond clerk, to receive bail money for defendants, or to order their discharge.

Who may  
accept bail

SEC. 9. All demurrers to complaints, notices of motion, statements and bills of exception on appeal to the superior court, must be served upon the assistant district attorney acting in the department of the court in which the case is set for hearing, or heard or tried.

Service

SEC. 10. The county clerk shall be the clerk of the police court, and he must be present either in person or by deputy at all sessions of the court in the departments thereof; call the daily calendar of the departments, and keep full and complete records of all cases in the court, and the disposition made thereof by the court.

Clerk of  
police  
court

SEC. 11. The police judges may appoint not more than two competent stenographers, who shall attend the sessions of the court and take notes of all preliminary examinations made at the sessions, and transcribe into typewritten longhand all evidence taken by either of them where the parties charged have been held for trial, and deliver one copy of the same to the clerk and one copy to the district attorney. Each of such stenographers shall be paid for all his services, including transcription and all stationery used by him, an annual salary of twenty-four hundred dollars.

Stenog-  
raphers

SEC. 12. The mayor may in writing, appoint any justice of the peace to act as judge of the police court, or any department thereof, during the temporary absence or inability of the judge to act.

Justices  
may act

SEC. 13. The chief of police shall cause to be made out, and delivered to each of the clerks of the court, at or before nine o'clock in the forenoon of each day, a calendar of arrests, in which the cases shall have been assigned to the departments of the court, in accordance with the rules and regulations established by the police judges. The calendar shall state "the offense charged"; whether the defendant is "in custody" or "on bail"; "the amount of bail"; "whether cash or bond," and "the name of the arresting officer."

Chief of  
police to  
report

Calendar  
shall state

Police  
court,  
bailiffs of

SEC. 14. The chief of police shall appoint one or more police officers to attend the sessions of the police court in each department thereof, to preserve order and execute the orders of the court.

Rules

SEC. 15. The police judges shall adopt all necessary rules and regulations for conducting the business of the court.

Attorneys.

SEC. 16. No attorney shall appear in said court to prosecute or defend persons charged with offenses, unless at the time of his appearance he be qualified to practice law in all the courts of this state.

Term of  
police  
judges

SEC. 17. The term of office of the police judges elected at the general election held in the year eighteen hundred and ninety-eight shall terminate at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and they shall at said time be succeeded by the police judges provided for in this chapter; and all proceedings pending in said court shall be transferred to the police court created under this charter, and the judges elected as herein provided shall have and obtain jurisdiction of the same.

#### *Chapter IX.—The San Francisco Law Library.*

Law  
library

SECTION 1. The supervisors must provide, fit up and furnish, with fuel, lights, stationery, and all necessary conveniences, attendants and care, rooms convenient and accessible to the judges and officers of the courts and of the municipal government sufficient for the use and accommodation of the San Francisco law library, established under an act of the legislature of this state, entitled "An act to provide for increasing the law library of the corporation known as the San Francisco law library, and to secure the use of the same to the courts held at San Francisco, the bar, the city and county government and the people of the city and county of San Francisco," approved March 9th, 1870. The supervisors must appropriate, allow, and order paid out of the proper fund such sums as may be necessary for the purposes aforesaid; and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the proper fund on demands duly audited, in the mode prescribed by this charter for auditing other demands upon the treasury. The county clerk must pay monthly to the treasurer of the San Francisco law library such moneys as he shall collect under the act referred to for the benefit of said law library.

Appropriations

## ARTICLE VI.

### DEPARTMENT OF PUBLIC WORKS.

#### *Chapter I.—The Board of Public Works.*

Board of  
public  
works

SECTION 1. There shall be a department of public works under the management of three commissioners, who shall constitute the board of public works, and who shall give all

their time during official business hours to the duties of their office. The members of said board shall be appointed by the mayor. Of those first appointed he shall appoint one for one year, one for two years, and one for three years. Each year thereafter he shall appoint for three years one person as the successor of the commissioner whose term of office expires in that year. All such appointments shall be so made that not more than one member shall at any one time belong to the same political party. No person shall be eligible for appointment as such commissioner unless he is, and has been for at least five years next preceding his appointment, an elector of the city and county. Each of said commissioners shall receive an annual salary of four thousand dollars.

Appointed  
by mayor

Salary.

SEC. 2. Of the commissioners first appointed under this charter, one shall be designated by the mayor to serve as president for one year. All subsequent presidents of the board shall be elected by the members thereof for terms to be fixed by said board. The president of the board shall in each case hold office until his successor has been elected or until his membership on the board expires.

President  
of board

SEC. 3. The board may appoint a secretary, who shall receive an annual salary of eighteen hundred dollars. The board may employ such clerks, superintendents, inspectors, engineers, surveyors, deputies, architects, and workmen as shall be necessary to a proper discharge of their duties under this article, and fix their compensation; but no compensation to any of said persons shall be greater than is paid in the case of similar employments.

Secretary

SEC. 4. The board shall establish all necessary rules and regulations for its government, and for the performance of its duties, and for the regulation and conduct of its officers and employes; and shall require adequate bonds from its officers and employes, except laborers, for the faithful performance of all their duties, in such sums as may be fixed by the supervisors. Said bonds shall be approved by the mayor and shall be filed in the office of the auditor.

Rules

SEC. 5. The board shall hold regular meetings at least once each week at a place and time to be fixed by resolution entered on its minutes. No changes in place or time of regular meetings shall be made without a resolution passed at least two weeks before the time the change is to go into effect. Such special meetings may be held as the commissioners may deem necessary after notice of the same has been posted ten hours before the time of holding any such meeting. All meetings shall be public. No business shall be transacted at an adjourned meeting except such as may have been under, or proposed for, consideration at the meeting from which the adjournment was had. No business shall be transacted at a special meeting except that which is named in the notice of said meeting. Special meetings may be called by any member of the board. In every case where a power is exercised under this article by the board the vote thereon shall be taken by ayes and noes.

Meetings

Board of  
public  
works.  
Records

SEC. 6. The board shall keep and preserve a record of all its proceedings, and copies of all plans, specifications, reports, contracts, estimates, certificates, receipts, surveys, field notes, maps, plats, profiles, and of all papers pertaining to the transactions of the board. The secretary of the board shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. The secretary shall post and publish all orders, resolutions, and notices, as required in this chapter, or which the board shall order to be posted or published. He shall perform such other duties as may from time to time be prescribed by the board.

Powers and  
duties.

SEC. 7. The board shall be the successor in office and shall have all the powers and perform all the duties of the superintendent of streets, highways and squares, of the new city hall commissioners, and of the commissions in existence at the time this charter goes into effect, for the opening, extending, widening, narrowing, straightening, closing, or changing the grades of streets in the city and county.

Custodian  
of all archi-  
ves relat-  
ing to  
streets, etc.

SEC. 8. The board shall immediately after its organization take possession and have the custody and control of all maps, plats, surveys, field notes, records, plans, specifications, reports, contracts, models, machinery, instruments, tools, appliances, contract rights, privileges, books, documents and archives, and other property belonging to the city and county, or which may be of value and importance to the city and county, and heretofore kept by or in the offices of the city and county surveyor, the superintendent of public streets, highways and squares, the board of new city hall commissioners, and all commissions in existence at the time this charter goes into effect for the opening, extending, widening, narrowing, straightening, closing, or changing the grades of streets, and all other business and works pertaining to any of said offices or commissions.

Powers,  
and con-  
trol of.

SEC. 9. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the supervisors:

1. Of all public ways, streets, avenues, lanes, alleys, places, courts, roads, highways and boulevards now opened or which may hereafter be opened in the city and county; of the manner of their use; and of all work done upon, over or under the same; and herein particularly the board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the supervisors, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and of temporary fences inclosing areas upon the sidewalks; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting, and the laying under the surface of the streets or sidewalks of telegraph or telephone wires, and wires for electric lighting and power; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and



determining the location thereof; the using of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use; and without such permission in writing from said board no person shall do any of the acts in this section enumerated; but nothing in this section shall be so construed as to give said board the power to grant permits for or allow the permanent encroachment upon any sidewalk of any structure;

Powers,  
and con-  
trol of.

2. Of all sewers, drains and cesspools, and of the work pertaining thereto or to the drainage of the city and county;

3. Of the cleaning and sprinkling of all public streets, avenues, alleys, places, courts, roads, highways and boulevards, and the lighting of the same and the lighting of the parks, squares and other public places and public buildings;

4. Of the cleaning of all the public buildings of the city and county and of the appointment of such janitors and employes as are needed for such purpose;

5. Of the supervision of any and all building construction in the city and county;

6. Of the construction of any and all public buildings and structures, under plans duly approved by the various departments, including all school-houses and fire-department buildings, and the repair and maintenance of any and all buildings and structures owned by the city and county;

7. Of any and all wires and conduits, the collection and disposal of street refuse, garbage and sewage, and the designing, construction and maintenance of the sewerage and drainage systems of the city and county;

8. Of any and all public utilities owned, controlled or operated by the city and county, or which may hereafter be so owned, controlled or operated.

9. When at any time any person, company or corporation desires to have opened or torn up the roadway of any street, lane, alley, place or court in the city and county for any purpose, a written application shall be made to the board of public works for permission to do so. The board shall thereupon make an estimate of the expense of opening or tearing up such street, lane, alley, place or court, and of restoring the same to as good a condition as it was in before said opening or tearing up. Such person, company or corporation must thereupon deposit the amount of such estimate with the board of public works, which shall thereupon pay the same into the general fund.

The board shall thereupon proceed to open or tear up said street, lane, alley, place or court, as in said application requested, and shall at the proper time restore such street, lane, alley, place or court to as good a condition as it was in before said opening or tearing up. Contracts for the doing of such work by the board may be let by it in the manner provided in this chapter, or the work may, at the option of the board, be done by days' labor.

Contracts.

- In-suffi-**  
**cient esti-**  
**mate.**
- If the expense of such work has been more than the aforesaid estimate, the person, company or corporation shall be indebted to the city and county for such balance; and the same shall constitute a lien upon the property of such person, company or corporation.
- Lien.**
- Said lien shall remain in force until such balance has been paid, or until the lien shall be legally discharged. Said lien may be enforced by suit brought by the city and county, in accordance with the provisions of the Code of Civil Procedure of the state of California. If the expense of such work has been less than the aforesaid estimate, then the surplus shall constitute a claim in favor of such person, company or corporation, against the city and county, and as such shall be presented, approved and paid as other claims.
- Data for**  
**supervis-**  
**ors.**
- Sec. 10.** All examinations, plans and estimates required by the supervisors in connection with any public improvements or utilities, shall be made by the board of public works, and it shall, when requested to do so, furnish information and data for the use of the supervisors.
- Civil en-**  
**gineer.**
- Sec. 11.** Said board shall appoint a civil engineer of not less than five years' practical experience as such, who shall be designated the city engineer. He shall hold his office at the pleasure of the board.
- Duties.**
- He shall perform all the civil engineering and surveying required in the prosecution of the public works and improvements done under the direction and supervision of said board, and shall certify to the progress and completion of the same, and do such other surveying or other work as he may be directed to do by said board or by the supervisors. He shall possess the same power in the city and county in making surveys, plats and certificates as is or may from time to time be given by law to city engineers and 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 city engineers and county surveyors. No street assessment shall be valid without his certificate as to the quantities, and unless it be to the effect that the work has been done to the official lines, elevations and grades.
- Sec. 12.** He shall serve the board exclusively and shall not be engaged in any other business while he is in its service. He shall receive no compensation except his salary. The board shall by resolution establish fees and charges for the services to be performed by the city engineer for persons, companies and corporations, and may from time to time change and adjust the same. Said engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such moneys thus paid shall be paid to the treasurer and credited by him to such fund or funds as said board may direct.
- Appoint-**  
**ments of**  
**heads of**  
**depart-**  
**ments.**
- Sec. 13.** The board shall appoint the necessary heads of departments under its charge. Each such head shall have the sole executive control in his own department, subject to the rules and regulations prescribed by the board.

SEC. 14. All public work authorized by the supervisors to be done under the supervision of the board of public works shall, unless otherwise determined by the board of public works, be done under written contract, except in case of urgent necessity, as hereinafter provided; and except as otherwise specifically provided in this charter, the following proceedings shall be taken in all cases in the matter of the letting of contracts by said board: Before the award of any contract for doing any work authorized by this article, the board shall cause notice to be posted conspicuously in its office for not less than five days, and published for the same time, inviting sealed proposals for the work contemplated; except, however, that when any repairs or improvement, not exceeding an estimated cost of five hundred dollars, shall be deemed of urgent necessity by the board, such repairs or improvement may be made by the board, under written contract or otherwise, without advertising for sealed proposals.

Contracts  
and urgent  
work.

SEC. 15. Said advertisement and notice shall invite sealed proposals to be delivered at a certain day and hour at the office of the board for furnishing the materials for the proposed work, or for doing said work, or for both, as may be deemed best by the board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work and materials.

Advertise-  
ment.

SEC. 16. All proposals shall be made upon printed forms to be prepared by the board, 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 such other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against the city and county, or any person interested in said improvement, for himself or any other person. All bids shall be clearly and distinctly written, without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the board. Any contract made in violation of any of the foregoing provisions, and in the case of improvement of streets, any assessment for the work done under such contract, shall be absolutely void.

Form of  
proposals.

Bids.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the clerk of the supervisors, for an amount not less than ten per centum of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

Check, 10  
per cent.

No person, corporation, or firm shall be allowed to make, file, or be interested in more than one bid for the same work. If

But one  
bid.

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.

Opening of bids.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals, the board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the board while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the board shall be considered. Each bid as it shall be received shall be numbered and marked "filed" by the president and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the board by the secretary. Before adjourning, the board shall compare the bids with the record made by the secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the secretary of the board in some conspicuous place in the office of the board, and be published for the same period of time.

Award of contract.

Board may reject.

The board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city and county, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the board shall return all the checks to the proper parties and again invite sealed proposals, as in the first instance.

Disposition of checks.

The check accompanying the accepted bid shall be held by the secretary of the board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city and county, and shall be collected and paid into the general fund. Neither the board of public works nor the supervisors shall have power to relieve from or remit such forfeiture.

Collusion.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the board shall advertise for a new contract for said work.

Majority of owners or agents may elect to do work.

SEC. 19. In the case of improvement of streets, the owners of the major part of the frontage of lots and lands upon the street whereon the work is to be done, or which are liable to be assessed for said work, or, in the case of an assessment dis-

tract, the owners of a major part of the superficial area embraced in such district, or their agents, shall not be required to present sealed proposals, but may, upon making oath that they are such owners, or the agents of such owners, within ten days after the first posting of notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should such owners not enter into a written contract therefor within said ten days, or should they enter into such contract and fail to commence the work within the time stated therein, which time shall not be less than ten nor more than twenty days from the time of the execution of such contract, the board shall enter into a contract with the original bidder to whom the contract was awarded at the price specified in his bid. If the original bidder shall fail or refuse for fifteen days after the first posting of notice of the award to enter into the contract, the board shall again advertise for proposals as in the first instance.

SEC. 20. If the owners or contractor who may have entered into any contract do not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, the board may relet the unfinished portion of said work, in accordance with the provisions in this chapter prescribed for the letting of the whole.

Failure to complete work.

SEC. 21. All contracts shall be drawn under the supervision of the city attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

City attorney to draw contracts.

Every contract entered into by the board shall be signed by all the members thereof and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the clerk of the supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the board, and the other, with said specifications and drawings, shall be delivered to the contractor.

Contracts in triplicate.

At the same time with the execution of the contract the contractor shall execute to the city and county and deliver to the secretary of the board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the board, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond, other than lawfully authorized surety companies, shall be taken unless he shall be a payer of taxes on real property, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be security to the city and county; and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment book of the city and county in his own name for real property in an amount greater than his

Bonds of contractors.

Qualifications of bondsmen.

liability on all bonds on which he is surety to the city and county, and that the taxes on such property so assessed are not delinquent.

Extension  
of con-  
tracts.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the board, the supervisors may extend said time; but in no event shall the time for the performance of said contract be extended by the supervisors more than ninety days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the board of public works, a further extension may be granted by vote of fourteen members of the board of supervisors. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the supervisors shall not pay or allow to him any compensation for any work done by him under said contract; and, in the case of the improvement of streets, no assessment shall be made for the work done under said contract.

Work must  
be satis-  
factory to  
board.

SEC. 22. The work in this article provided for must be done under the direction and to the satisfaction of the board of public works; and the materials used must be in accordance with the specifications and be to the satisfaction of said board, and all contracts provided for in this article must contain a provision to that effect, and also that in no case, except where it is otherwise provided in this charter, will the city and county, or any department or officer thereof, be liable for any portion of the expense, or, in the case of improvement of streets, for any delinquency of persons or property assessed.

When said work shall have been completed to the satisfaction and acceptance of the board, it shall so declare by resolution, and thereupon the board shall deliver to the contractor a certificate to that effect.

### *Chapter II.—Improvement of Streets.*

Street im-  
prove-  
ments.

SECTION 1. All streets, lanes, alleys, places or courts, in the city and county, now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purposes of this chapter; and the supervisors are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

Applica-  
tion for.

SEC. 2. Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this article, be made in writing to the board of public works; and if the expense thereof is to be assessed upon private property, the board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the supervisors; and the supervisors shall not order any such improvement until the same has been recommended

by said board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance, passed by the affirmative vote of not less than fourteen members of the board of supervisors. If an application is made for any work or improvement of which the expense is to be paid by the city and county, and the board of public works shall not approve of such application, it shall report to the supervisors its reasons for such disapproval, and the supervisors may then, after having obtained from the board of public works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the board of supervisors, order the doing of said work, or the making of said improvement.

When work must be by ordinance.

The board of public works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the city and county, though no application may have been made therefor, and must make, with said recommendation to the supervisors, an estimate of the expense, and in such case the supervisors may order the same done.

When not by ordinance.

No street work or street improvements of any kind shall be ordered to be done by the supervisors unless a written recommendation to do the same has been made to them by the board of public works, and all such recommendations shall be made matters of record in the office of said board.

Recommendations by board to supervisors.

When the board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the supervisors with said recommendation.

SEC. 3. Before recommending to the supervisors the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the board of public works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Same.

Upon the passage thereof the secretary of the board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the post office at the city and county, with postage prepaid, addressed to each person represented on the assessment book of the city and county for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

"Notice of street work."

The board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more

Street im-  
provements.

than one hundred feet in distance apart, notices not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of street work," in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

Owners  
may make  
written ob-  
jection.

SEC. 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, and in the case of a district, those owning more than one half of the superficial area of the district, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the secretary of the board of public works, who shall indorse thereon the date of its reception by him. Such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the one half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and the same shall, after the expiration of said six months, be continued under the resolution of intention first passed if said board shall deem proper. If, however, the owners of at least two thirds of the property fronting on said proposed work or improvement, and, in the case of a district, those owning at least two thirds of the superficial area of the district, shall make written objections to the same within said six months, no further proceedings shall be taken under the aforesaid resolution of intention.

Bar for six  
months.

Hearing of  
objections.

When the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cesspools, and the objections thereto are signed by the owners of a majority of the frontage or of the district as aforesaid, the board shall at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The secretary shall thereupon notify the persons making such objections, by depositing a notice thereof in the post office at the city and county, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

Petition of  
remon-  
strance.

At any time before the making of the assessment as herein-after provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the board, and its decision thereon shall be final and conclusive.



SEC. 5. When the contemplated work or improvement in the opinion of the board of public works is of more than local or ordinary public benefit, it may recommend to the supervisors that the expense of such work or improvement be made chargeable upon a district, and said board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party, in writing, within ten days after the expiration of the time of publication of the resolution of intention.

Work of  
general  
benefit.

Objections.

The secretary of the board shall lay said objections before it, and the board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the post office at the city and county, postage prepaid, addressed to each objector. At the time specified the board shall hear the objections urged and pass upon the same, and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

Hearing of.

If the objections are sustained, the board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the board—its decision in that behalf to be final and conclusive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the supervisors the board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the secretary of the board.

If objec-  
tions sus-  
tained.

SEC. 6. When the work under any contract shall have been completed, the contractor shall make and file in the office of the board of public works 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, or to make any rebate or deduction to him from such price. 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 make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

Comple-  
tion of  
contract.

Private  
agreement  
a fraud.

SEC. 7. When any work in or upon any public street shall have been completed according to contract, and the affidavit

Comple-  
tion of  
contract,  
assessment  
to pay.

mentioned in the next preceding section shall have been made, the board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the board, and if not known, the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

Legal pro-  
portion of  
corpora-  
tions.

When the expense of such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its legal proportion of said expense, and the same shall constitute a lien upon the road-bed, rolling-stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for.

Division of  
expense.

Sec. 8. The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts under the order of the supervisors, shall be borne and paid for as follows:

First—The city and county shall pay out of the general fund the expense: (a) Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the city and county, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways. (b) Of all work done in front of, or that may be assessed to property owned by the city and county, or by any department thereof. (c) Of all work done in front of, or that may be assessed to property owned by the United States.

Second—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planing, macadamizing, paving, piling and capping any street, or portion thereof, and of all curbs thereon, and of all work done on sidewalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise.

Share of  
corporations.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation,

and shall be included in the assessment hereinbefore provided for.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of the city and county.

Limit of assessments.

SEC. 9. Subdivision One—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided, such expense, other than that to be paid by a person, company or corporation having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

How assessments for street work shall be levied.

Subdivision Two—The expense of all improvement except such as is done by contractors under the provisions of section sixteen of this chapter, until the streets, avenues, street crossings, lanes, alleys, places or courts are finally accepted, as provided in section twenty-three of this chapter, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot on the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision Four—Where a main street terminates in another main street, the expense of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on

How assessments for street work shall be levied.

either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court terminates in another street, avenue, lane, alley, place, or court, the expense of the work done on one half the width of the subdivision street, avenue, alley, place, or court opposite the termination shall be assessed upon the lot or lots fronting on such subdivision street or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or the end of such street, avenue, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight—Where any work mentioned in this chapter, manholes, cesspools, culverts, crosswalks, piling, and capping excepted, is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewerage or resewerage is ordered to be done under the sidewalk or only on one side of a street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter-blocks adjoining and cornering upon that side.

Owners may do work.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the supervisors, may perform at his or their own expense (after obtaining permission from the board of public works so to do, but before said board has passed its resolution of intention to recommend grading inclusive of this) any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon may procure, at his or their own expense, a certificate from the city engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter may file said certificate in the office of the board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the board. Whenever thereafter the supervisors order the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price by the cubic yard for cutting and filling in grading, and such owner or owners, and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for grading thereof, to the

Certificate of work done by owners.

amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessments for grading upon the lots and land owned by him or them, and proportionately assessed for the whole of said grading. The board shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the changed grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest; but he shall not include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners, or their successors in interest. When any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, except grading, on such street, in front of any block, at his or their own expense, and the supervisors shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section; but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the board of public works at the time said order is passed.

Owners entitled to credit for work done.

Work to be excepted.

Subdivision Ten—The board of public works may include in the resolution of intention any of the different kinds of work mentioned in this chapter, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section.

Resolution of intention may include or except.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the board of public works, or to the satisfaction of the supervisors on appeal, the board of public works shall proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by the diagram provided for in section five of this chapter, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of

Estimate and assessment upon completion of work.

land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the expense of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in this chapter.

Board may establish method of assessment.

SEC. 10. If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the board of public works to make an assessment to pay for the expense thereof, then said board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said board, or to the satisfaction of the supervisors on appeal, said board shall make an assessment to pay the expense thereof according to the method established by said resolution.

Assessments, and warrant.

SEC. 11. In making all assessments the board of public works shall act as a board, and the assessment shall be authenticated by the signatures of all the members thereof.

SEC. 12. To said assessment shall be attached a warrant which shall be signed by the president of the board of public works and countersigned by the secretary thereof. Said warrant shall be substantially in the following form:

Form of warrant for street work.

By virtue hereof the board of public works of the city and county of San Francisco, by the authority vested in it, does authorize and empower (name of contractor) his (or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date) ———. (Name of president of board of public works.)

Countersigned by (Name of secretary of board of public works.)

Must be recorded.

Said warrant, assessment and diagram shall be recorded in the office of the board. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record thereof.

Contractor may demand payment.

After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to

cover the sum due for the work specified in such contracts and assessments.

When it shall appear by the final judgment of any court in this state having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment for street work made under this chapter, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality, thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant, any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the board for another assessment to be issued in conformity to law; and the board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and sign, record and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out therein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this chapter. Should such final judgment be that of the superior court for the city and county and an appeal therefrom to the supreme court of the state has been taken, no such other assessment shall be made until said appeal has been determined.

In case of defective assessment or warrant.

SEC. 13. The contractor, or his assigns, or some person on his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the person so assessed, or their agents, cannot conveniently be found, or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

Contractor must make demand.

The warrant shall be returned to the board of public works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the secretary of the board shall record the return so made in the margin of the record of the warrant and assessment.

Warrant to be returned.

The board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

Board can receive amount due before suit is begun

The board may release any assessment upon the books of its

Board may  
release.

Failure to  
return  
warrant.

Appeal  
from de-  
cision of  
board.

Supervis-  
ors' deci-  
sion final.

When con-  
tractor  
may suc.

office on the payment to it of the amount of the assessment, with interest, against any lot, or on the production to it of the receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon the property assessed; but if any warrant is lost, upon proof of such loss, a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

SEC. 14. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this chapter, or in the assessment, feeling aggrieved by any act or determination of the board of public works in relation thereto, or who claim that the work has not been performed, according to the contract, in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the board, shall, within thirty days after the date of the warrant, appeal to the supervisors, by briefly stating their objections in writing, and filing the same with the clerk of the supervisors. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the supervisors may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the board relative to said work, may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just; and require the work to be completed according to the directions of the supervisors, and may at their option direct the board of public works to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram to conform to the decisions of the supervisors in relation thereto.

All the decisions and determinations of the supervisors, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the supervisors might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the supervisors, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the board of public works has acquired jurisdiction to make the same.

SEC. 15. At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the supervisors, then, at any time after five days from the decision of the supervisors on such appeal, or after



the return on the warrant, after the same may have been corrected, altered, or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignee may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this chapter the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Attorney's fees.

Said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the board of public works and of the supervisors upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises to be sold on execution as in other cases of the sale of real estate by the process of said courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this chapter the proceedings therein shall be governed and regulated by the provisions of this chapter, and, when not in conflict herewith, by the codes of this state.

Warrant is prima facie evidence.

Sec. 16. When any portion of the roadway of any street, avenue, lane, alley, court, or place, or any portion of any sidewalk, in the city and county, none of which has been accepted by the supervisors as in this chapter provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the board of public works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, by a notice in writing, to be delivered to them or their agents personally, to repair forthwith said portion of said street, avenue, lane, alley, court, or place, to the center line thereof, in front of the property of which he is the owner or tenant, or occupant. The board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the board may make such repairs, or enter into

Board shall order repairs.

If not made by owners, board may let contract.

a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following; whereupon the contract shall be awarded to the lowest responsible bidder

Bids for repairs.

All of said bids shall be preserved in the office of the board, and shall be open at all times after the letting of the contract to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the board of public works has accepted the same.

Contractor may sue for repairs.

SEC. 17. If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the board of public works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this chapter.

Supervisors may prescribe penalties.

SEC. 18. In addition to the remedies above given the supervisors may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the city and county by prosecution in the name of the people of the state of California in the court having jurisdiction thereof, and may be applied in the case of fines, to the payment of expense of any such repairs not otherwise provided for.

"Owner" defined.

SEC. 19. The person owning the fee, or the mortgagee of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the county recorder's office of the city and county, to have the legal title to the land, or the person in possession of lands, lots, portion of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" for all the purposes of this chapter. And in case of property leased, the possession of the tenant or lessee holding and occupying

under such persons shall be deemed to be the possession of such owner.

SEC. 20. Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this chapter may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this chapter, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced, with legal interest thereon, be satisfied from accruing rents or by payment by the owner.

Lessee may pay.

Lessee may deduct from rent.

SEC. 21. The records kept by the board of public works shall have the same force and effect as other public records, and duly certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them.

Records to be open to inspection.

SEC. 22. Notices in writing required to be given by the board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the secretary of said board or before any member thereof.

Service.

SEC. 23. When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the board of public works and of the supervisors, and is in good condition throughout, and a sewer, gas pipes, and water pipes are properly laid therein, the same shall be accepted by the supervisors by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the city and county. The supervisors shall not accept any portion of a street less than the entire width of the roadway, including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that they deem such sewer, or gas pipes, or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the supervisors shall deem a sewer to be necessary and shall order it to be constructed. The board of public works shall keep in its office a register of all streets accepted by the supervisors under this section, which register shall be indexed for easy reference thereto.

Accepted street to be kept in repair by city and county.

SEC. 24. The board of public works may at any time, without any application therefor, recommend to the supervisors to order the paving or macadamizing of the portion of any street required by law to be paved or macadamized by the person, company, or corporation having railroad tracks thereon. Upon such recommendation the supervisors shall by ordinance order

Board may recommend paving.

Ordinance. said work to be done and direct said board to notify said person, company, or corporation of the fact of the passage of such ordinance.

Notice of passage of ordinance.

The secretary of said board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the board shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the board the contractor shall be entitled to recover from such person, company or corporation the contract price for the expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action, the certificate of the board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

Certificate of board prima facie evidence.

To be full width of street.

SEC. 25. Except as otherwise in this chapter specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of the city and county, and except for such work as is provided for in the next preceding section, shall be passed by the supervisors without extending said improvement throughout the whole width of such street.

"Street" defined.

SEC. 26. Wherever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

"Improvement" defined.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, and capping; and the construction and repairs of sewers, cesspools, manholes, culverts, drains, sidewalks, and curbs.

"Main street" defined.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the assessor.

"Quarter block" defined.

The term "quarter block," as used in this chapter as to irregular blocks, shall be deemed to include all lots or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city and county.

The word "paved" shall include any pavement of stone,

iron, wood, or other material which the supervisors may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the city and county all right to the use of the same therein, with the privilege to any person to manufacture and lay the same upon its streets under any contract that may be awarded to him, or entered into by him with the city and county.

"Paved" defined.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work.

"Expense" and "incidental expenses" defined.

All notices and resolutions required in this article to be published shall be published daily, legal holidays excepted, in the official newspaper.

Daily publication.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

Service.

Sec. 27. When the owners of all the lands fronting upon any street which is less than forty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the board of public works that the said street, or that portion thereof upon which said lands front, be closed, the board may pass a resolution recommending that the same be closed. Before passing such resolution the board shall cause a notice of the application to be published in the official newspaper, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendation to the supervisors. Thereupon the supervisors may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the city and county. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

Closing of streets, procedure.

Sec. 28. In all cases where lands in the city and county shall be hereafter subdivided and laid out into blocks or plats, sub-lots, streets and alleys, or when 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 board of public works for its approval, and if the board approve the same, such approval shall be by it indorsed upon the said map or plat, and said map with said approval shall then be filed in the office of the recorder; and without such approval indorsed thereon no such map or plat shall be

New subdivisions.

Approved  
plats to be  
recorded.

filed in the office of the recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense without such approval, indorsement and record. No street hereafter laid out shall be approved or become a public street unless the same shall be at least forty feet in width and two hundred feet distant from any parallel street.

Cleaning  
and  
sprinkling  
streets.

SEC. 29. The board shall annually invite proposals for cleaning and sprinkling such of the streets of the city and county as the board shall determine should be cleaned and sprinkled at the public expense. Before causing notice for such proposals to be published, the board shall divide the city and county into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning and sprinkling of the streets at the lowest cost. The secretary of the board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days a notice inviting proposals for cleaning and sprinkling each of said districts, specifying in said notice the streets of each district which are to be cleaned and sprinkled, the number of times a week that they are to be cleaned and sprinkled, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this article, in relation to the making and opening of bids, awarding of contracts, and entering into and performance of contracts, shall be applicable to said contracts.

The board may, at the time it invites proposals for said cleaning and for said sprinkling, also invite proposals for said cleaning separately and for said sprinkling separately, and may award such contracts accordingly as may be for the best interest of the city and county.

Sweeping  
machines.

The board may also, with the consent of the supervisors expressed by ordinance, purchase one or more machines for sweeping the streets, and may enter into contracts for sweeping the streets with said machines; but the board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and to the funds at its disposal.

Urgent re-  
pairs: over  
\$500 by  
contract.

SEC. 30. The board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the board; but when the expense of the repairs upon any street or portion of a street shall exceed the sum of five hundred dollars, exclusive of materials to be furnished from the corporation store yard, the same shall be done under contract awarded in the manner provided in this article.

Contracts  
for mate-  
rials.

SEC. 31. The board shall, from time to time, after it shall have been directed so to do by the supervisors by ordinance, invite proposals for supplying to the city and county such materials as may be required for the repair of the public

streets or for any improvement thereof, and such proceedings shall be had in awarding the contracts therefor as are in this article provided for awarding other contracts.

Sec. 32. The supervisors shall select some place in the city and county which shall be known as the corporation store yard, wherein shall be kept all supplies, material, implements and machines belonging to the city and county, to be used in repairing or cleaning and sprinkling the streets or for any improvement thereon. The board of public works shall appoint a storekeeper for said yard, who shall hold his office during its pleasure. He shall have the custody of said yard and of all the supplies, material and implements therein, and shall keep books of account in which shall be kept a systematic account of all purchases, and of the receipt of supplies and material under any contracts awarded under the provisions of the preceding section, and of the delivery thereof, which books shall at all times show the amount of said material and supplies on hand and in store, and when, to whom, and for what purpose each article was delivered. He shall be responsible for all material and supplies in said yard, and shall not deliver any article except upon the written order or requisition of the president and secretary of the board of public works, and he shall take the written receipt, indorsed upon said order, of each person to whom any delivery is made, specifying the date of such delivery and the amount and kind of material and supplies delivered. For any deficiency in his accounts or for the delivery of any article without such order or requisition and receipt, he shall be liable upon his official bond. All cobblestones, or stone blocks or other material with which any street or portion of a street may have been paved or planked shall, if at any time removed from said street, be taken to said yard, and there kept, accounted for and disposed of by the storekeeper in the same manner as other supplies.

Corporation store yard.

Storekeeper, duties and liabilities.

*Chapter III.—Opening, Straightening, Widening, Extending, and Changing the Grade of Streets.*

SECTION 1. When the application shall be made to the board of public works for the straightening, widening or extending of any street, or for the laying out, establishing or opening of a new street, signed by the owners of a majority of the frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, and the board shall by resolution determine that the improvement would be of public benefit, it shall make an estimate of the expense of such improvement, and determine by resolution the district which will be affected by, and should be assessed for, the expense of such improvement. No proceedings shall be had upon the filing of such petition until after the persons signing the same shall have deposited with the secretary of the board an amount of money which, as may be determined by the board, will be sufficient to defray all the expense that may be incurred in case the supervisors shall not pass an ordinance for said improvement.

Majority petition to open street, etc.

Improving  
streets, etc.

SEC. 2. If within three months after the passage of the resolution determining such district, a majority of the owners of the land within said district who shall also be the owners of two thirds of the superficial square feet of the property included within said district, and of three fourths in value of said property—including improvements thereon—estimating said value according to the last preceding assessment book of the city and county, shall present to the board a petition for said improvement, verified by their oaths and describing the lands of which they are the owners, and showing the amount at which the same was assessed upon the last preceding assessment book of the city and county, and stating that they are the owners and in possession of the lands named in said petition, the board shall pass a resolution of its intention to recommend such improvement to the supervisors, and shall in such resolution specify a day upon which it will hear any objections that may be made to such improvement.

Objections.

Map of dis-  
trict af-  
fected.

Before passing such resolution of intention, the board shall cause to be prepared a map or diagram of the district affected by and to be assessed for the expense of such improvement, upon which shall be delineated the several lots of land upon which said assessment is to be levied, and also the lots of land which are to be taken for such improvement, and showing the name of the person to whom the said lots were assessed upon the last assessment book of the city and county, together with the amounts of such assessments.

Resolution  
to be pub-  
lished.

SEC. 3. The secretary of the board shall thereupon cause said resolution of intention to be published for a period of thirty days, non-judicial days excepted, and shall also cause a copy of said resolution to be deposited, postage prepaid, in the post office at the city and county, addressed to each person whose name is delineated upon said map, at least ten days before the day named for hearing objections thereto.

Objections  
may be  
filed.

SEC. 4. At any time before the day fixed in such resolution for hearing objections to such improvement, any person interested therein may file with the secretary of the board his objections thereto, briefly stating the grounds thereof and the nature of his interest; and upon the day fixed for hearing the same, or some day to which the hearing thereof shall then be postponed, the board shall proceed to hear and determine the sufficiency of any objections which may have been filed.

Hearing  
and deter-  
mining  
sufficiency  
of objec-  
tions.

SEC. 5. If the board shall determine that such objections are sufficient to prevent a recommendation of the improvement, it shall pass a resolution to that effect, and no further proceedings shall be had under said petition. If no objections have been filed, or if the board shall determine that the objections filed are insufficient, it may pass a resolution recommending to the supervisors said improvement, and in its recommendation shall specially report to the supervisors whether in its opinion the land within the district specified as affected by said improvement will be benefited to the extent of the expense of said improvement.



SEC. 6. If the board shall pass a resolution recommending said improvement, the secretary shall forthwith transmit to the clerk of the supervisors a copy of said resolution, together with the petition, map, estimate of the expense of said improvement, and any objections that may have been filed; and the supervisors shall at their first regular meeting thereafter, or at any meeting to which said hearing may have been adjourned, pass upon said recommendation, and may by resolution adopt or reject the same. If said recommendation is rejected no further action shall be had thereon or upon said petition. If the supervisors shall adopt said recommendation, they shall within thirty days thereafter pass an ordinance providing for said improvement, and may in said ordinance prescribe such rules for the conduct of the board of public works respecting the assessment and valuation to be made by said board, and providing for the condemnation of said lands, and the collection of said assessment, in addition to, and not inconsistent with, the rules herein prescribed, as to said supervisors shall seem expedient. Upon the passage of said ordinance the clerk of the supervisors shall transmit a certified copy thereof to the board of public works.

Transmission of resolution to supervisors.

Rejection or adoption of resolution.

SEC. 7. Upon the receipt by the board of a certified copy of said ordinance the board shall cause to be made an accurate survey of the contemplated improvement, and a map thereof, upon which shall be delineated each and every lot of land to be taken or appropriated for the purposes of the intended improvement, showing its extent in feet and inches, and also each and every lot of land within the district determined to be affected by, and which is to be assessed for, the cost and expense of said improvement. After said survey and map are made, the board shall pass a resolution fixing a day on or after which it will proceed to value the several lots of land to be taken for the purpose of the intended improvement, and ascertain and determine the damages and benefits which may result therefrom.

Survey of improvement.

Fix a day for valuing lots affected.

The secretary of the board shall cause said resolution to be published for a period of ten days before the day fixed in said resolution for proceeding to make said valuation.

Publication.

In estimating the damage to any lot by reason of any portion of said lot having been taken for public use, as herein provided, the measure of damage to said lot shall be the difference at the time of said appropriation between the value of said lot in its entirety and its value as reduced in size by the appropriation of a part thereof to said public use. The expense of the improvement shall include the value of the land taken, with the improvements, if any, thereon, and the expense of the proceedings for its appropriation or condemnation.

Damages.

SEC. 8. On the day named in said notice and upon such other days as the matter may be continued to, from time to time, the board shall proceed to value the several parcels of land necessary to be taken for the purpose of the intended improvement. Such value shall be ascertained as of the time of said inquiry, independently of any appreciation or depreciation

Board to determine value.

that may be caused to the same by reason of such intended improvement, and the board shall fix such valuation as the amount to be given to the owners therefor. The board shall also assess the benefits and damages which may result from the contemplated improvement of the lands within said district, and shall distribute the total value of all the lands and improvements taken, together with the damages, if any, caused by said improvement to the adjacent lands, and the estimated cost and expense of said improvement, in the form of an assessment upon each and every lot of land within the district determined to be affected by said improvement in proportion to the benefits which the board shall determine will be received by said lots and lands.

Meetings  
to be  
public.

SEC. 9. The meetings of the board, when engaged in making said valuation and assessment, shall be public and held at the office of the board, and all persons interested in such valuation and assessment shall have the right to be present and be heard in person or by counsel. All persons claiming any interest in the lands to be taken for said improvement, or that will be damaged thereby, are required at or during such hearing, to file with the board, plats, and a description of their respective lots of land.

Authenti-  
cated valu-  
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dence.

SEC. 10. In making said assessment and valuation the commissioners shall act as a board, and said assessment and valuation shall be authenticated by the signatures of said commissioners, and every assessment and valuation so authenticated and recorded in the book of assessments for condemnation shall be prima facie evidence of the correctness and regularity of all the proceedings of said board and of the supervisors prior to the date of such record.

Procedure  
in deter-  
mining  
values.

SEC. 11. In determining the valuation of the property which is taken for said improvement the board shall in its report set forth, under appropriate headings, a brief description of each lot thereof, the amount allowed for the same, the name of the owner of each lot, when known (and if unknown, that fact shall be stated), and the name of any claimant thereto, or to any interest therein; and in making the assessment for the expense of said improvement the board shall set forth in the assessment, under appropriate headings, a brief description of each lot assessed, the amount assessed against the same, the person to whom said property was assessed upon the next preceding assessment book of the city and county, the owner thereof, if known (and if unknown, that fact shall be stated), and the total amount of the expense of said improvement.

Publi-  
cation and  
notice of  
valuation  
and assess-  
ment.

SEC. 12. Upon the completion of said valuation and assessment, the board shall cause to be published for ten days a notice of the completion of said assessment and valuation, notifying all parties therein to examine the same; and for that purpose said assessment, valuation and map shall be open and exhibited to public inspection at the office of the board for thirty days after the first publication of said notice. During said period of thirty days, but not thereafter, the board may alter, change, or modify said assessment. Upon the expiration

of said thirty days it shall complete the same in the form of a report and schedule, embracing the value of the lands taken and the assessment of said value, together with the expense of the improvement, as hereinbefore provided, upon the several lots of land embraced within the aforesaid district. Said report and schedule shall, within sixty days after the first publication of the last-mentioned notice, be filed in the office of the county clerk, together with a petition signed by the president of said board, to the superior court, praying for a judgment of said court confirming the assessment contained therein against the respective lots therein described as assessed, and for the condemnation and conveyance to the city and county, upon the payment of the value thereof as ascertained by said report, of each of the lots of land alleged in said petition to be necessary to be taken for said improvement.

Condemnation proceedings.

SEC. 13. On filing such petition, and upon application to said court, the presiding judge thereof shall appoint some day, not less than ten nor more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said court. The clerk of said court shall thereupon cause to be published for ten days in the official newspaper, a notice of the filing of said report and of the day assigned for the hearing of any objections that may be made thereto. Any party interested therein may at any time before the day assigned for the hearing thereof file in said court his objections in writing to the confirmation of the same, specifying his objections; and all objections not specified shall be deemed waived. Upon the day fixed in said order said court shall proceed to the hearing of any objections that may have been filed to the confirmation of said report. Upon proof of publication of said notice said court shall have and take jurisdiction of said report and of the subject-matter thereof as a special proceeding; and upon said day and at any other time or times to which said hearing may be adjourned may hear the allegations of the parties and proofs adduced in support of the same, and may confirm said report, or change, alter or modify the same, or cause the same to be changed, altered or modified by said board. Said judgment of confirmation shall be a lien upon each lot of land described in said report for the amount assessed against the same, and shall provide for the conveyance to the city and county of each and every of the lots of land declared necessary for the purpose of said improvement, upon the payment of the value thereof as fixed by such judgment. Said lien shall remain in force until said assessment is paid or legally discharged.

Hearing of objections by court.

SEC. 14. Any person who has filed objections to the confirmation of said report may appeal from said judgment to the supreme court at any time within thirty days after the entry of such judgment. The amount of the undertaking on such appeal shall be fixed by said presiding judge, and such undertaking shall be made payable to the city and county. For the purposes of such appeal the judgment roll of the proceedings in the superior court shall consist of the report, objections,

Appeal to supreme court.

judgment and bill of exceptions, or so much thereof as may be necessary to determine said appeal. If said judgment be reversed or modified the superior court shall take such proceedings as will cause said assessment and valuation to be made in accordance with the decision of the supreme court. The city attorney shall act as the attorney for the board of public works in proceedings under this chapter.

Confirmation of report and judgment.

SEC. 15. After the confirmation of said report, if the time for appealing has expired, or if an appeal has been taken and the judgment appealed from has been affirmed, upon the application of the board of public works the clerk of the superior court shall issue a certificate to that effect to said board; and said assessment shall then be recorded in the book of assessments for condemnation kept for that purpose, and the record thereof signed by the president and secretary of said board. The secretary shall then deliver to the tax collector the assessment so confirmed and recorded, together with said certificate of said clerk, and a warrant to the tax collector directing him to collect the said assessment. The tax collector shall, if any part of said assessment is not paid within twenty days after said assessment, certificate and warrant shall have been delivered to him, give notice in the official newspaper by ten days' publication therein that he will, on a day and time certain, to be not more than ten days after the expiration of said publication, sell such of the lots of land on which the assessment thereon remains unpaid, describing each of said lots so delinquent, together with the amount of the assessment and costs due on each, and shall include as part of said costs five per centum on the amount due on each assessment so delinquent, as and for the expenses of said sale. He shall thereupon sell such lots pursuant to such notice. Redemption may be made from such sale within the time and in the manner and on the terms as on sales made under execution as provided in the Code of Civil Procedure of this state. If any amount remain in the hands of the tax collector as a result of the collection of said assessment beyond that necessary to make the compensation provided for in the next succeeding section, and to pay the necessary expenses of said sale, such surplus shall be paid by him proportionately to those whose land has been sold as aforesaid.

Duty of tax collector.

Redemption.

Disbursement of compensation in condemnation suits.

SEC. 16. Upon the report of the tax collector to the supervisors that the amount of said assessment has been collected and paid into the treasury, the supervisors shall order to be paid out of the treasury the sums fixed in said judgment as the compensation for the lands to be taken for said improvement; and upon the delivery to the treasurer by any person entitled to receive compensation for any lot of land so taken, of a conveyance of said lot of land to the city and county, approved by the city attorney, and a certificate from the city attorney that such person is entitled to the compensation for the lands described in said conveyance, the treasurer shall pay to said person the amount awarded for said lot by said judgment of condemnation, after the demand therefor has been audited by the auditor.

SEC. 17. If the owner of any of said lots or subdivisions neglect or refuse for ten days to make and deliver such conveyance, or be unable by reason of incapacity to make a good and sufficient conveyance thereof to the city and county, or if the city attorney shall certify that the title to any of said lots is in dispute or uncertain, or that there are conflicting claimants to the amount awarded as compensation therefor, or to any part thereof, a warrant upon the treasury for the payment of the amount so awarded shall be by order of the supervisors drawn by the president and secretary of the board of public works, together with a certificate of the treasurer indorsed thereon that the said warrant has been registered by him and that there are funds in the treasury set apart to pay the same, shall be deposited with the county clerk; and thereupon, upon a petition to said presiding judge by the president of the said board, setting forth said facts, said judge shall issue an order ex parte directing the sheriff to place said board in the possession of said land.

Court to place board in possession in disputed cases.

SEC. 18. At any time thereafter any claimant to said award, or any part thereof, may file his petition in said superior court against all parties in interest for an adjudication of all conflicting claims to the same, or for an order that the same be paid to him, and thereupon such proceedings shall be had thereon as may be agreeable to law and equity. Upon entry of final judgment in such proceeding, the county clerk shall, after said demand has been audited by the auditor, collect the warrant and pay the proceeds to the person or persons named in said judgment as entitled thereto. It shall be provided in said judgment that before receiving the proceeds of said warrant said party, or some one authorized in his behalf, shall make and execute to said city and county and deliver to the county clerk a sufficient conveyance of said lot of land. Immediately after taking possession of the land required for said street, the board shall report that fact to the supervisors.

Court to adjudicate conflicting claims.

SEC. 19. If any member of the board be interested in any of the land to be taken or assessed for such improvement, the mayor shall appoint, for the purpose of making the said assessment and valuation only, some competent person to act as one of the commissioners therefor, who shall possess the same qualifications as are provided for said commissioners, and who, before entering upon his duties, shall take the oath of office required of said commissioners, and enter into a bond for such amount as may be fixed by the supervisors.

Interested members must not act; mayor to appoint.

SEC. 20. The supervisors may, on the written recommendation of the board of public works, change the grade of any street or street crossing in the manner and to the grade set out in such recommendation; but no grade shall be changed unless the same proceedings are taken by way of providing compensation to those who may suffer damage by such change of grade, so far as such proceedings may be applicable, as are hereinbefore provided in the matter of opening, straightening, widening and extending streets; and where such proceedings are not applicable they may be supplemented by ordinance of the supervisors.

Supervisors may change grade.

*Chapter IV.—Sewers and Drainage.*

- Sewers and drainage.** SECTION 1. The board of public works shall devise a general system of drainage, which shall embrace all matters relative to the thorough, systematic and effectual drainage of the city and county, and shall from time to time make to the supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.
- Powers of board.** SEC. 2. The board shall prescribe the location, form and material to be used in the construction, reconstruction and repairing of all public sewers, manholes, sinks, drains, cess-pools, and all 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.
- Rules.** SEC. 3. The board shall recommend to the supervisors rules and regulations concerning the public and private sewers and drains in the city and county, and upon recommendation of said board, the supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.
- Permits to make connections.** SEC. 4. No person shall connect with, or open or penetrate, any public sewer or drain without first obtaining a permit in writing from said board, and complying with the rules and regulations of the board in reference thereto.
- Recommendations by board.** SEC. 5. The board may also recommend to the supervisors the construction of such canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery and other works necessary for the proper and effectual drainage of the city and county, together with plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.
- Purchase of property.** SEC. 6. The supervisors may, upon the recommendation of the board of public works, by ordinance passed by not less than fourteen affirmative votes, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this chapter.
- Agreement on damages.** SEC. 7. The board may, with the like approval of the supervisors, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for such purpose.
- May construct sewers.** SEC. 8. The board may, when authorized by ordinance of the supervisors passed by not less than fourteen affirmative votes, construct such sewers, reservoirs and pumping works as may be necessary to carry out the general system of sewerage for the city and county.
- SEC. 9. When, upon the recommendation of the board of public works, the supervisors shall determine upon any improve-

ment for the purpose of sewerage and drainage which necessitates the acquisition or condemnation of private property, and the board is unable to agree with the owner thereof, upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which the board shall deem it most expedient, it shall, when authorized by the supervisors expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same may be applicable, which is provided in this article for the condemnation of real estate when necessary for the opening of any new street.

Condemnation proceedings.

#### *Chapter V.—Harbors and Wharves.*

SECTION 1. All the wharves, water front and harbor of San Francisco which now belong or may hereafter belong to the city and county, or over which it may at any time lawfully exercise jurisdiction and control, shall be under the management and control of the supervisors. All said wharves shall be built and repaired by the board of public works, after proceedings had as provided in this article for the improvement or repair of public buildings.

Supervisors to exercise control over wharves, etc.

SEC. 2. The supervisors shall by ordinance fix and regulate the tolls for wharfrage and dockage, and shall provide for the collection of the same, except where the wharves are under the jurisdiction of the board of state harbor commissioners, or may provide that no charges, tolls, dockage or wharfrage be imposed or collected. The supervisors shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years.

To regulate tolls.

### ARTICLE VII.

#### PUBLIC SCHOOLS AND LIBRARIES.

##### *Chapter I.—The Board of Education.*

SECTION 1. The school department shall be under the control and management of a board of education composed of four school directors, who shall be appointed by the mayor, and who shall give their entire time to the duties of their office. They shall each receive an annual salary of three thousand dollars. They shall not be less than thirty years of age and must have been residents of the city and county for at least five years prior to their appointment. The board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the directors shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, and four years.

Board of education.

Salary.

Term.

SEC. 2. The board shall organize by electing one of its number president, who shall serve for one year and until his suc-

Secretary of board.

cessor is elected. The board may elect a secretary, who shall not be a member of the board, and who shall receive an annual salary of eighteen hundred dollars.

Meetings. SEC. 3. The board shall meet at least once a week and at such other times as it may determine. It shall establish rules for its proceedings; but the concurrent vote of a majority of its members shall be necessary to transact business. In every instance where a power is exercised under this article by the board the vote thereon shall be taken by ayes and noes and entered in the minutes of the board.

### *Chapter II.—Schools.*

Schools. SECTION 1. The school department shall comprise all the public schools of the city and county and shall include primary and grammar schools and may include evening, department, technical, cosmopolitan, high and normal schools.

Night schools. SEC. 2. Adults shall be entitled to free instruction in the evening schools; but no child under fourteen years of age shall be admitted to such schools.

### *Chapter III.—Powers of the Board of Education.*

Powers of board of education. SECTION 1. In addition to the powers conferred by the general laws of the state, the board of education shall have power: 1. To establish and maintain public schools as provided in this article, and to change, modify, consolidate or discontinue the same as the public welfare may require.

Teachers. 2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient cause the whole or any part of the wages, salary or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers; but no teacher in the department at the time of the adoption of this charter, or who shall be hereafter appointed, shall be dismissed from the department, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the board from removing teachers holding only special certificates or serving a probationary term. Charges against teachers must be formally made by the superintendent after due investigation, and shall be finally passed upon by the board after giving the accused teacher due hearing.

Certificates. 3. To grant, to renew, and, for the causes mentioned in section one, subdivision two of this chapter, to revoke teachers' certificates.

Rules. 4. To establish and enforce all necessary rules and regulations for the government and efficiency of the schools, and for carrying into effect the school system; to remedy truancy; to compel the attendance at school of children between the



ages of six and fourteen years, who may be found idle in public places during school hours. Powers of board of education. Charges.

5. To investigate charges against any person connected with or in the employ of the school department, and to take testimony in such investigations.

6. To receive, to take on lease, and to hold in trust for the city and county any real estate belonging to or claimed by the school department. To hold in trust all personal property that may have been or may hereafter be acquired by the school department. Property.

7. On or before the first day in April in each year, to appoint school census marshals, and notify the superintendent of common schools of such appointments. Any census marshal found incompetent may be discharged by the superintendent of common schools. Should the board fail or neglect to fill the vacancy so caused within three days thereafter by the appointment of a person competent to perform the duties of census marshal, such vacancy may be filled by the superintendent of common schools. Census marshals.

8. To sue in the name of the city and county for lots, lands and property belonging to or claimed by the school department. To prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of such lots, lands and property. To require the services of the city attorney in all actions, suits and proceedings by or against the board of education. Actions.

9. To establish regulations for the disbursement of all moneys belonging to the school department or to the common school fund, and to secure strict accountability in the expenditure thereof; to provide for the prompt payment, on not later than the fifth day of every month, of all salaries due and allowed officers, teachers and other employes of the school department. For this purpose the auditor shall annually segregate so much of the common school fund as shall not exceed twenty-eight dollars for each pupil in average daily attendance in the public schools of the city and county during the preceding fiscal year. The amount so segregated shall not be applied to the payment of any demand against such common school fund during any fiscal year other than for salaries, until all salaries for that fiscal year have been fully paid or provided for. The board shall ascertain and transmit to the auditor on or before the first Monday in April of each year an estimate of the amount required for such segregation within such limit of twenty-eight dollars. Disbursement of moneys.

10. All demands payable out of the common school fund shall be filed with the secretary of the board of education, and after they have been approved by the board, they shall be signed by the president of the board and the superintendent, and sent to the auditor. Every demand shall have indorsed upon it a certificate, signed by the secretary, of its approval by the board of education, showing the date thereof, and the law authorizing it by title, date and section. Every person in the employ of the school department entitled to a salary there-

Powers of  
board of  
education.

from shall receive a warrant for the amount due and approved by the board, signed by the president and secretary thereof. The entire monthly salary roll of the department shall be made up by the secretary of the board, and after being duly audited by the finance committee thereof, and approved by a majority of all the members of the board, shall be indorsed in the same manner as other demands. The salary roll so audited, approved and indorsed, shall be immediately transmitted to the auditor not later than the third day of every month for comparison with the individual salary warrants issued in the manner above provided; but payment shall be made only on the individual warrants issued in accordance herewith.

Leases.

11. To lease to the highest responsible bidder, for the benefit of the common school fund, for a term not exceeding twenty years, any real property of the school department not required for school purposes; but no lease shall be made except after advertisement for bids for at least fifteen days in the official newspaper and by an affirmative vote of at least three members of the board approved by an ordinance of the supervisors.

Trust  
funds.

12. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school library; to carry into effect the terms of any bequest not in conflict with the general laws or this charter; and to sell such personal property as shall no longer be required for use in the schools. All moneys realized by such sales shall be at once paid into the treasury to the credit of the common school fund.

Proposals  
for sup-  
plies.

SEC. 2. The board shall annually, before the first day of May, make a list of supplies estimated to be required by the school department for the ensuing fiscal year, stating in clear and explicit terms the quantity and kind of articles needed and how and when they shall be delivered, and shall invite proposals for furnishing the same by advertising therefor for at least ten days in the official newspaper.

The provisions of Article II, Chapter III, of this charter, in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the school department. Any contract made in violation of any provision of this article shall be void.

Annual re-  
port to su-  
pervisors.

SEC. 3. The board shall, during each year, transmit to the supervisors a report in writing for the preceding fiscal year, stating the number of schools within its jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the average daily attendance of pupils in all the public schools, the number, names and salaries of teachers, the dates of their appointments and the character of the certificates held by them, the amount of money drawn from the treasury by the department during the year, distinguishing the state fund from all others, the purpose for which such

money has been expended, with particulars, and such other information as may be required by the state superintendent, the supervisors or the mayor.

SEC. 4. The board shall, between the first and twenty-first days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and all employes of the school department. Schedule of salaries.

#### *Chapter IV.—Superintendent of Schools.*

SECTION 1. The superintendent of common schools of the city and county shall be by virtue of his office a member of the board of education, without the right to vote. He shall receive an annual salary of four thousand dollars. Superintendent of schools.

SEC. 2. The superintendent shall appoint four deputy superintendents. The number of such deputies shall not be increased until the average daily attendance shall have reached forty-five thousand, when the superintendent shall appoint one additional deputy, and thereafter he shall appoint one deputy for each additional eight thousand children in average daily attendance. If from any cause a vacancy occurs in the office of deputy superintendent, such vacancy shall be filled by the superintendent. Deputies.

SEC. 3. Of the deputy superintendents first appointed, the superintendent shall appoint two for two years and two for four years. All deputy superintendents subsequently appointed shall hold office for four years. Deputies' term.

SEC. 4. Such deputies must have had at least ten years' successful experience as teachers, and shall have been residents of the city and county at least five years preceding their appointment. Qualifications.

SEC. 5. In addition to the duties imposed by the general laws of the state, it shall be the duty of the superintendent: Duties of superintendent of schools.

1. To observe and enforce all rules and regulations of the board of education and to see that no religious or sectarian books or teachings are allowed in the schools.

2. To report to the board of education annually, on or before the twentieth day of August, and at such other times as the board may require, all matters pertaining to the condition and progress of the public schools of the city and county during the fiscal year, with such recommendations as he may deem proper.

3. To inform the board of the condition of the schools, school-houses and of other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city and county, and for the care and improvement of the property of the school department.

4. To visit and examine with the assistance of his deputies all the schools at least twice a year and determine their standing and classification. To recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and the graduation of pupils.

Duties of  
superintendant of  
schools.

5. To recommend to the board the courses of studies; the text-books and books for supplementary use in the public schools, and the purchase of such apparatus, books, stationery and other class-room supplies as may be required in the schools.

6. To report to the board once a month upon the standing of schools examined by him and his deputies.

City board  
of exami-  
nation.  
Powers.

SEC. 6. The superintendent and his deputies shall constitute the city board of examination, and shall have power:

1. To examine applicants, and to prescribe a standard of proficiency, which will entitle the person examined to receive: (a) A high school certificate, valid for six years, which shall authorize the holder to teach any primary, grammar, or high school in the city and county; (b) A city certificate, grammar grade, valid for six years, which shall authorize the holder to teach any primary or grammar school in the city and county; (c) A city certificate, primary grade, valid for two years, which shall authorize the holder to teach any primary school in the city and county. They shall report the result of the examination to the board of education, and the board shall thereupon issue to the successful candidates the certificates to which they shall be entitled.

2. To recommend applicants for special certificates valid for a period not to exceed six years, upon such special studies as may be authorized by the board of education.

3. For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the board of education the revocation of any certificates previously granted by the board.

4. To recommend the granting of city certificates, and the renewal thereof, in the manner provided for the granting and renewal of county certificates by county boards of education in section seventeen hundred and seventy-five of the Political Code.

#### *Chapter V.—School Tax Levy.*

School tax  
levy.

SECTION 1. The board of education shall, on or before the first Monday of April in each year, report to the supervisors an estimate of the amount which shall be required during the ensuing fiscal year for the purpose of meeting the current annual expenses of public instruction in the city and county, specifying the amount required for supplies to be furnished pupils, including text-books for indigent children; for purchasing and procuring sites; for leasing rooms or erecting buildings; for furnishing, fitting up, altering, enlarging and repairing buildings; for the support of schools organized since the last annual apportionment; for the salary of the school directors, superintendent, deputy superintendents, and all other persons employed in the school department, and for other expenditures necessary for the administration of the public school system; but the aggregate amount so reported for any one year shall not exceed the sum of thirty-two dollars and fifty cents for each pupil, who in the fiscal year immediately prior thereto

actually attended the schools entitled to participate in the apportionment thereof. School tax levy.

SEC. 2. The supervisors at the time and in the manner of levying and collecting other city and county taxes shall levy and cause to be collected for the common school fund a tax which, added to the revenue derived from other sources, shall produce an amount of money which shall not exceed thirty-two dollars and fifty cents for each pupil in attendance during the preceding fiscal year, as ascertained and reported by the board of education.

SEC. 3. In case of extreme emergency or great calamity, such as disaster from fire, riot, earthquake or public enemy, the board of education may, with the approval of the mayor and supervisors, incur extraordinary expenditures in excess of the annual limit provided for in this charter, for the repair and construction and furnishing of school-houses in place of those so injured or destroyed. The supervisors may, by ordinance, cause to be transferred to the common school fund, from moneys in any fund not otherwise appropriated, sufficient money to liquidate such expenditures, and provide for the same in the next tax levy of the city and county. Extraordinary expenditures.

#### *Chapter VI.—School Houses and Lots.*

SECTION 1. When any locality in the city and county is unprovided with sufficient school accommodations, the board of education may, by resolution, make a requisition upon the board of public works for plans and specifications and estimates for a new school-house, specifying the number of classrooms needed, the location of the proposed school-house, the date on which it should be completed, the amount of money in the school fund available for the purpose, and such other information as will enable the board of public works to prepare the necessary plans, specifications and estimates of cost for such school-house. New school-houses.

If such plans, specifications and estimates are approved by the board of education they shall be indorsed "approved," with the date of such approval, by the president and secretary thereof, and returned to the board of public works, which shall proceed without delay to have such school-house constructed and completed in accordance therewith.

When such school-house is completed, the board of public works shall notify the board of education to examine the same, and if it has been built in accordance with the plans and specifications, and within the estimated cost thereof, the board of education shall accept and take possession of it.

SEC. 2. When any school-house, building, fence or other property belonging to, or connected with, or under the control of, the board of education, needs repairing, altering or improving, the board shall notify the board of public works, specifying in general terms the work to be done. The board of public works shall cause the same to be done forthwith, if the cost Repairs by board of public works.

Repairs to  
school-  
houses.

thereof shall not exceed two hundred and fifty dollars; otherwise the board of public works shall submit plans, specifications and estimates of cost to the board of education for its approval, and if approved as provided in section one of this chapter, the board of public works shall cause the same to be done, and if done in accordance with the plans and specifications, and within such estimate, the same shall be accepted and shall be paid for out of the common school fund.

Purchase  
of lots.

SEC. 3. When it is necessary to purchase a lot for the use of the school department, the price paid for such lot shall not exceed the market value of adjacent property of equal size and similarly situated. Any school building hereafter constructed shall have a clear space of at least ten feet around the same.

### *Chapter VII.—Public Library and Reading-Rooms.*

Public  
library, etc.

SECTION 1. The public library and reading-rooms of the city and county shall be under the management of a board of twelve trustees, one of whom shall be the mayor of the city and county, who shall be a member of the board by virtue of his office. The board of trustees of said library and reading-rooms in office at the time this charter shall take effect shall continue to constitute the board of trustees of said public library and reading-rooms; and all vacancies therein shall be filled by said board. None of said trustees shall receive any compensation for his services.

Library  
fund.

SEC. 2. The supervisors shall, for the purpose of maintaining such library and reading-rooms and such branches thereof as the board of library trustees may from time to time establish, and for purchasing books, journals and periodicals, and for purchasing or leasing real and personal property, and for constructing such buildings as may be necessary, annually levy a tax on all property in the city and county not exempt from taxation which shall not be less than one and one half cents nor more than two and one half cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the library fund.

Same.

SEC. 3. All revenue from such tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purposes of the library, shall be paid into the treasury and be designated as the library fund and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of the library and reading-rooms, in accordance with the terms and conditions of such gift, devise or bequest.

Title to  
vest in city  
and  
county.

SEC. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purpose of the library and reading-rooms, when not inconsistent with the terms of its acquisition, shall vest in the city and county, and in the name of the city and

county may be sued for and defended by action at law or otherwise.

SEC. 5. The board shall take charge of the public library and reading-rooms, and the branches thereof, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest. It shall meet for business purposes at least once a month, and at such other times as it may appoint in a place to be provided for the purpose. A majority of the board shall constitute a quorum for the transaction of business. 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 secretary and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

Board to control all library property.

SEC. 6. The board, by a majority vote of all its members to be recorded in its minutes with the ayes and noes, shall have power:

Powers of board of library trustees.

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library and reading-rooms and branches thereof, and all property belonging thereto, or that may be loaned thereto.

2. To administer any trust declared or created for such library and reading-rooms and branches thereof, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.

3. To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and for good and sufficient cause to remove any officer or assistant.

4. To purchase books, journals, publications and other personal property.

5. To order the drawing and payment upon vouchers, certified by the president and secretary, of money from the library fund for any liability or authorized expenditure.

6. To fix the salaries of the librarian and secretary and their assistants; and, with the approval of the supervisors, expressed by ordinance, to erect and equip such building or buildings, room or rooms, as may be necessary for the library and reading-rooms and branches thereof.

7. To establish such branches of the library and reading-rooms as the growth of the city and county may from time to time demand.

SEC. 7. The supervisors shall have power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city and county, for the purpose of erecting and maintaining a building or buildings thereon to be used for the library and reading-rooms, or branches thereof, and may appropriate the whole or any portion of any public building belonging to the city and county for such use.

Supervisors may authorize use of real estate for library purposes.

## ARTICLE VIII.

## POLICE DEPARTMENT.

*Chapter I.—Organization.*

**Police department.** SECTION 1. The police department shall consist of a board of police commissioners, a chief of police, a police force, and of such clerks and employes as shall be necessary to carry into effect the provisions of this article.

**Term of members.** SEC. 2. All members of the police department shall hold office during good behavior, subject to the provisions hereinafter set forth relating to promotions, suspensions, dismissals and disratements.

**Qualifications.** SEC. 3. No person shall become a member of the department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city and county for at least five years next preceding his appointment. Every appointee to the department shall not be less than twenty-one nor more than thirty-five years of age, must possess the physical qualifications required for recruits of the United States army, and before his appointment must pass a satisfactory medical examination under such rules and regulations as may be prescribed by the board of police commissioners. In making appointments of members of the department, the board shall never regard the political or religious preferences or affiliations of any candidate.

*Chapter II.—Police Commissioners.*

**Police commissioners.** SECTION 1. The police department shall be under the management of a board of police commissioners consisting of four members who shall be appointed by the mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed such commissioner who shall not have been an elector of the city and county for at least five years next preceding his appointment.

**Salary.**

**Political affiliations.** SEC. 2. The board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

**Term of office.** SEC. 3. The commissioners shall be successors in office of the police commissioners holding office in the city and county at the time this charter shall go into effect by virtue of appointment under any statute or law of this state.

**Organization.** SEC. 4. The police commissioners shall organize by electing one of their number president, who shall hold such office for one year. The board shall appoint a secretary, who shall receive an annual salary of fifteen hundred dollars. The sessions of the board shall be public, except that executive ses-



sions may be held whenever deemed proper by the board. The board shall meet at least once a week in the rooms of the police department, or in case of public emergency at such place as the board may select. The secretary must keep minutes of its proceedings; and in every case where a power is exercised by the board under this article the ayes and noes thereon shall be entered therein.

*Chapter III.—Powers of the Board.*

SECTION 1. The board of police commissioners shall have power:

Powers of  
police  
commis-  
sioners.

1. To appoint, promote, suspend, disrate or dismiss any member of the department in the manner hereinafter provided.

2. To prescribe rules and regulations for the government, discipline, equipment and uniform of the department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any of such rules and regulations. All such rules and regulations must be reasonable.

3. To grant permits to any person desiring to engage in the sale of liquor in less quantity than one quart, and to grant permits to any person engaged in the business of selling liquor to be drunk on the premises, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner. Without such permit none of such persons shall engage in the business of selling liquor. If the board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit or whose permit it is proposed to revoke, shall be entitled to be heard before the board in person, or through counsel, and to have, free of charge, all reasonable facilities at the hearing. Such permits shall not be granted for more than three months at one time, and they shall distinctly state the name of the person to whom the same is given, and the description of the premises where such business is to be carried on. Such permits shall at all times be subject to inspection by any member of the department. Complaints to revoke permits granted by the board must be in writing, signed by the person making the same and filed with the secretary of the board; and a copy thereof certified by the secretary must be served upon the party complained against at least five days before the time set for the hearing of the complaint.

4. At its discretion, upon the petition of any person, firm or corporation, to appoint, and at pleasure to remove, special police officers. Such officers shall be subject to all the rules and regulations of the board.

5. To provide for the care, restitution or sale at annual public auction of all unclaimed property that may come into the possession of the property clerk, and to direct the destruction of such property as shall consist of implements, weapons, property or any other article, matter or thing used in the commission of crime.

6. To appoint police matrons for the care of female prisoners, and to provide rules and regulations for the government of the same.
7. To appoint a police surgeon, who shall receive an annual salary of fifteen hundred dollars.
- SEC. 2. The president may convene the board for special meetings. The secretary of the board shall be the official custodian of all records and official documents of the board.

*Chapter IV.—The Chief of Police.*

SECTION 1. The chief of police shall be appointed by the board of police commissioners and hold office for the term of four years. He shall receive an annual salary of four thousand dollars. He shall have control, management and direction of all members of the department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the department. In all cases of such suspension, he shall immediately report the same to the board, with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the department. He shall, subject to the directions and orders of the commissioners, have control of such of the prisons of the city and county as are not by the general law under the control of the sheriff.

SEC. 2. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the chief of police shall, in the lawful exercise of his functions, have all the powers that are now or may be conferred on sheriffs by the laws of the state.

SEC. 3. The chief of police shall be the chief executive officer of the department. He shall be chargeable with and responsible for the execution of all laws and ordinances, and the rules and regulations of the department. He shall see that the orders and process issued by the police court and such other orders and process as may be placed in his hands are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the general rules and regulations of the commissioners.

SEC. 4. The chief of police shall keep a public office, in which he shall have the statutes of this state, and of the United States, and all necessary works on criminal law. In case of his temporary absence some competent member of the department, by him designated for that purpose, shall be in attendance at all hours of the day and night; and in such case he shall make known to such member of the department where he can be found.

SEC. 5. The chief of police shall detail one or more of the members of the department to attend constantly on the police court and to execute its orders and process. He shall detail at his pleasure members of the department to act as his chief clerk, assistant clerks, prison keepers and property clerk. Said

chief clerk and said property clerk shall each receive an annual salary of twenty-four hundred dollars.

Chief of  
police.

SEC. 6. The chief of police may from time to time disburse such sums for contingent expenses of the department as in his judgment shall be for the best interest of the city and county, to be paid out of the contingent fund allowed the department. The aggregate of all such sums shall not in any one fiscal year exceed the sum of ten thousand dollars. Provision shall be made by the supervisors for such contingent fund in the annual tax levy. The commissioners shall allow and order paid out of such contingent fund, as contingent expenses of the police department, upon orders signed by the chief of police, such amounts as may be required.

Contingent fund.

SEC. 7. The chief of police shall possess powers of general police inspection, supervision and control, over all pawn-brokers, peddlers, junkshop-keepers, dealers in second-hand merchandise, auctioneers, and intelligence office keepers. All persons engaged in said callings must first procure permits from the commissioners. In the exercise of such power the chief may by authority in writing from time to time empower members of the police department, when in search of property feloniously obtained or in search of suspected offenders, or in search of evidence to convict any person charged with crime, to examine the books and the premises of any such person. Any such member of the police department, when thereunto empowered in writing by the chief of police, may examine property alleged to have been pawned, pledged, deposited, lost, strayed or stolen.

Powers of,  
relative to  
pawn  
shops, etc.

#### *Chapter V.—Subordinate Officers.*

SECTION 1. Subordinate officers of the police department shall consist of captains, who shall each receive an annual salary of twenty-four hundred dollars; lieutenants, who shall each receive an annual salary of sixteen hundred and eighty dollars; sergeants, who shall each receive an annual salary of fifteen hundred dollars; and corporals, who shall each receive an annual salary of fourteen hundred and four dollars.

Police officers and salaries.

SEC. 2. There shall be one captain for each one hundred police officers. The duties of captains shall be defined by the rules and regulations of the commissioners, and by the orders of the chief of police.

Captains.

SEC. 3. There shall be one lieutenant for every fifty police officers. The duties of lieutenants shall be defined by the rules and regulations of the commissioners, by the orders of the chief of police, and by the orders of their respective captains.

Lieutenants.

SEC. 4. There shall be as many sergeants as in the judgment of the commissioners may be advisable, not to exceed one sergeant for every ten police officers. The duties of sergeants shall be defined by the rules and regulations of the commissioners, the orders of the chief of police, and the orders of their respective captains and lieutenants.

Sergeants.

Corporals. SEC. 5. There shall be as many corporals as in the judgment of the commissioners may be advisable. The duties of corporals shall be defined by the rules and regulations of the commissioners, the orders of the chief of police, and the orders of their respective captains, lieutenants and sergeants.

Detectives. SEC. 6. The chief of police may detail for detective duties such members of the department as he may select, not to exceed twenty-five. He shall designate a captain of police, to act as

Captain of detectives. captain over the officers so detailed, who shall receive an annual salary of three thousand dollars. Such captain shall rank as captain of detectives, and his duties shall be defined by the commissioners and by the chief of police. The members so detailed shall be known and ranked as detective sergeants. Each of said detective sergeants shall receive an annual salary of eighteen hundred dollars. They may be removed at any time from such detail by the chief of police. Their duties shall be defined by the rules and regulations of the commissioners, by the orders of the chief of police, and by the orders of the captain of detectives.

#### *Chapter VI.—Police Officers.*

Policemen. SECTION 1. The police force of the city and county shall not exceed one police officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of twelve hundred and twenty-four dollars.

SEC. 2. Every police officer shall, upon the arrest of any person charged with the commission of crime, search the person of such offender, and take from him all property and weapons, and forthwith deliver the same to the prison-keeper, who must deliver the same to the property clerk, to be by him kept until other disposition be made thereof according to law.

SEC. 3. Police officers shall be health officers by virtue of their office.

#### *Chapter VII.—Promotions, Suspensions, Dismissals and Disratements.*

Promotions, dismissals, etc. SECTION 1. All promotions in the department shall be from the next lower rank, seniority of service and meritorious public service being considered.

SEC. 2. Any member of the department guilty of any offense, or violation of rules and regulations, shall be liable to be punished by reprimand, or by fine to be fixed by the commissioners, or by dismissal from the department; but no fine shall ever be imposed at any one time for any offense exceeding one month's salary.

SEC. 3. No member of the department shall be subject to dismissal for any cause, or to punishment for any breach of duty or misconduct therein, except after a fair and impartial trial before the commissioners upon a verified complaint filed with the board setting forth specifically the acts complained of, and after such reasonable notice to him of the time and place of hearing as the board may by rule prescribe. The accused

shall be entitled upon such hearing to appear personally and by counsel; to have a public trial; and to secure and enforce free of expense to him the attendance of all witnesses necessary for his defense. Police department.

*Chapter VIII.—Unclaimed and Stolen Property.*

SECTION 1. All property or money taken under suspicion of having been stolen or feloniously obtained, the result of crime or constituting the proceeds of crime, and all property or money taken from intoxicated or insane persons, or other persons incapable of taking care of themselves, or property or money lost or abandoned that may in any way come into the possession or custody of any member of the department, or of any criminal court or judge of the city and county, shall be delivered to the property clerk, who shall enter in a record book, to be kept by him for that purpose, a full and explicit description of the same, together with the name of the person or persons from whom received, the names of any claimants thereto, the time of the seizure, and the final disposition thereof. Stolen property, etc

SEC. 2. When property or money taken from any person arrested, or otherwise under suspicion of having been feloniously obtained, or of being the proceeds of crime, is brought with the claimant thereof and the person arrested before a court for examination and adjudication, and the court shall adjudge that the person arrested is innocent of the offense alleged, and that the property or money belongs to him, it shall order such property or money returned to the accused, and the property clerk shall thereupon deliver such property or money to him personally, but not to his attorney or agent. If upon such hearing the accused shall be held for trial or examination, such property or money shall remain in the custody of the property clerk until the discharge or conviction of the person accused. same.

SEC. 3. All unclaimed property and money that has been in the custody of the property clerk for one year shall be sold at public auction, after having been five times advertised in the official newspaper; and the proceeds of such sale shall be paid into the treasury to the credit of the police relief and pension fund. In no case shall such property be sold or disposed of until the necessity for the use thereof as evidence has ceased. The proceeds of property taken from insane persons shall not become part of such fund until after the expiration of three years from the time the same is paid into the treasury; but the commissioners and the chief of police shall, during such period, make diligent inquiry to ascertain the person or persons to whom the same should by right be payable. Unclaimed property.

SEC. 4. If any property or money in the custody of the property clerk be required as evidence in any court, it shall be delivered to any officer who shall present an order in writing to that effect from such court, and the clerks of such court

Police de-  
partment.

shall be responsible for the safe delivery of such property or money to the property clerk.

Property  
clerk's  
duty.

SEC. 5. All valuables and money in the custody of the property clerk shall be deposited by him, for safe keeping, with the treasurer, in such manner and subject to such rules and regulations as may be prescribed by the board.

*Chapter IX.—Present Police Force.*

Constitu-  
tion of  
force.

SECTION 1. All members of the present police force in good standing in the department at the time this charter goes into effect, and the park police, shall continue therein without civil service examination; but all new appointments and all promotions made after this charter shall go into effect shall be subject to and governed by Article XIII. of this charter.

*Chapter X.—Police Relief and Pension Fund.*

Pension  
fund.

SECTION 1. In order to continue in force and make effectual pensions already existing in favor of the police force, a fund is hereby created to be known and designated as the police relief and pension fund. The board of police commissioners and its successors in office shall constitute a board of trustees of said fund.

Qualifica-  
tions  
requisite to  
pensioner.

SEC. 2. The board of police commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm or disabled member of the department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certificated practicing physicians appointed by the commissioners for that purpose, may be ascertained to be by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired member shall receive from the police relief and pension fund a monthly pension equal to one half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years continuously next preceding his retirement, and the same shall cease at his death.

Same.

SEC. 3. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the chief of police, the captain of the company to which he belongs, and by two regularly certificated physicians of the city and county recommending his retirement upon a pension on account of such disability, may be retired from the department upon an annual pension equal to one half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he

shall be restored to the service in the rank he occupied at the time of his retirement. Police department.

SEC. 4. The commissioners shall, out of the police relief and pension fund, provide for the family of any officer, member or employé of the department who may be killed while in the performance of his duty, as follows: Beneficiaries.

First—Should the decedent be married, his widow shall as long as she may remain unmarried, be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one half the salary attached to the position held by their father at the time of his death, until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death, during such time as the commissioners may unanimously determine its necessity.

SEC. 5. Any person receiving a pension as aforesaid from the police relief and pension fund, who shall be convicted of felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this state, shall forfeit all right to said pension. Forfeiture of pension

SEC. 6. When any member of the department shall, after ten years' service, die from natural causes, then his widow, and if there be no widow, then his children, or if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to a sum equal to the amount retained by the treasurer from the pay of such deceased member, and paid into the relief and pension fund; but the provisions of this section shall not apply to any member of the department who shall have received any pension under the terms of this chapter. Ten years' service.

SEC. 7. The commissioners shall make rules and regulations to carry out the provisions of this chapter and to enforce compliance therewith on the part of the members of the department. It shall make up an estimate every year of the amount required to pay all demands on the police relief and pension fund for the succeeding fiscal year, and certify the same to the supervisors in connection with and as a part of the annual appropriation for the police department. Commissioners to make rules.

SEC. 8. The commissioners may, on notice to the chief of police, reward any member of the department for conduct which is heroic or meritorious. The form or the amount of such reward shall be discretionary with the board; but it shall not exceed in any one instance one month's salary. Rewards for heroic conduct.

SEC. 9. The board of police pension fund commissioners shall hold quarterly meetings on the first Mondays of April,

Police de-  
partment.  
Meetings  
of fund  
commis-  
sioners.

July, October and January of each year, and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the relief and pension fund. Each warrant shall state for what purpose the payment is made.

Records

The board of police pension fund commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payment from the relief and pension fund, stating the amounts of such payments, and for what granted. Such list shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the police relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor, and be audited and ordered paid by him out of said fund.

Powers.

SEC. 10. The board of police pension fund commissioners shall possess the powers vested in the board of police commissioners to make rules and regulations for its guidance. It may appoint a secretary, and provide for the payment from said fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the secretary, and printing. No compensation shall be paid to any member of the board for any duty required or performed as police relief and pension fund commissioner.

Sources of  
pension  
fund.

SEC. 11. The supervisors shall annually, when the tax levy is made, direct the payment into the aforesaid fund of the following moneys:

1. Not less than five nor more than ten per centum of all moneys collected and received from licenses for the keeping of places where spirituous, malt or other intoxicating liquors are sold.

2. One half of all moneys received from taxes or from licenses upon dogs.

3. All moneys received from fines imposed upon members of the police department for violation of law or the rules or regulations thereof.

4. All proceeds of sales of unclaimed property.

5. Not less than one fourth nor more than one half of all moneys received from licenses from pawnbrokers, billiard hall keepers, dealers in second-hand merchandise, and from junk stores.

6. All moneys received from fines for carrying concealed weapons.

7. Twenty-five per centum of all fines collected in money for violation of any ordinance.

8. All rewards to members of the police department, except such as shall be excepted by the commissioners.

9. The treasurer shall retain from the pay of each member of the police force two dollars a month, which shall be forthwith paid into the police relief and pension fund. No other



or further retention or reduction shall be made from such pay for any other fund or purpose, unless the same is herein authorized. Police department.

SEC. 12. When a request is made for regular policemen to be detailed at any place of amusement or entertainment, ball, party, or picnic, the party or person making such request shall first deposit two dollars and fifty cents for each man so detailed with the property clerk of the department, who shall give him a receipt for the same, and such sum shall be at once paid into the treasury to the credit of the police relief and pension fund.

SEC. 13. On the last day of June of each year, or as soon thereafter as practicable, the auditor shall make a report to the supervisors of all moneys paid out of such fund during the previous year, and of the amount then to the credit of such fund. The surplus then remaining in such fund exceeding the average annual amount paid out of such fund during the three years next preceding shall be transferred to and become a part of the surplus fund, and shall be no longer under the control of the board, or subject to its order. Payments provided for in this chapter shall be made quarterly upon proper vouchers. When in any one year a deficiency shall exist in such fund, such deficiency shall be provided for and made good by the supervisors in their next ensuing tax levy. Auditor's report of disbursements from pension fund.

## ARTICLE IX.

### FIRE DEPARTMENT.

#### *Chapter I.—Organization and Powers.*

SECTION 1. The fire department shall be under the management of a board of fire commissioners, consisting of four members, who shall be appointed by the mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed a fire commissioner who shall not have been an elector of the city and county for at least five years next preceding his appointment. Fire department.  
Organization, etc.

SEC. 2. The board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years. Constitution of board.

SEC. 3. The commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect by virtue of appointment under any statute or law of this state.

SEC. 4. The commissioners shall organize by electing one of their number president, who shall hold office for one year. The board may appoint a secretary, who shall perform such duties as the board may prescribe. He shall receive an annual salary President.  
Secretary.

Fire department of twenty-four hundred dollars. The board shall meet at least once a week, and as often as the business of the department may require, and all its meetings shall be public.

Powers of board **SEC. 5.** The board shall organize the department, create and establish such fire companies as it may deem necessary, prescribe the number and duties of the officers, members and employes of the department, and the uniforms and badges to be worn by them; have control of all the property and equipments of the department, and exercise full power and authority over all appropriations made for the use of the department.

Qualifications of firemen. **SEC. 6.** All persons appointed to positions in the department must be citizens of the United States, not less than twenty-one nor more than thirty-five years of age, of good character for honesty and sobriety, able to read and write the English language, residents of the city and county at least five years next preceding the date of their appointment, must pass a medical examination under such rules and regulations as may be prescribed by the commissioners, and upon such examination be found in sound bodily health.

Non-political **SEC. 7.** No officer, member or employe of the department shall be appointed, transferred, or removed because of his political opinions, nor shall he be transferred or dismissed except for cause, nor until after a trial before the commissioners.

Powers and duties of commissioners **SEC. 8.** The commissioners shall see that the officers, members and employes of the department faithfully discharge their duties, and that the laws, ordinances, and regulations pertaining to the department are carried into effect. The board shall make such rules and regulations as may be necessary to secure discipline and efficiency in the department, and for any violation of such rules and regulations may impose reasonable fines upon the officers, members and employes of the department, or may suspend any of them for such reasonable time as the board may by rule prescribe. Such fines shall be deducted from the monthly warrants of the officers, members and employes upon whom they are imposed, and shall be transferred by the treasurer to the firemen's relief and pension fund.

Duties of commissary **SEC. 9.** The clerk and commissary of the fire department corporation yards shall not deliver any supplies or stores of the fire department except upon an order signed by the chief engineer and the secretary of the commissioners; but during a conflagration, such material or apparatus as may be required for the purpose of extinguishing such conflagration may be withdrawn from said corporation yards by order of the chief engineer, or by any officer in charge of the force of the department at such conflagration.

**SEC. 10.** No member or employe of the fire department shall be engaged in any other employment.

### *Chapter II.—Duties of the Commissioners.*

Duties of commissioners.

**SECTION 1.** The board of fire commissioners shall immediately after their appointment and qualification proceed to reorganize the fire department in conformity with the pro-

visions of this charter. In so doing the board shall make its appointments of officers and members from the persons constituting the force in the service of the fire department at the time this charter goes into effect. Such officers and members shall not be required to pass any civil service examination. All future appointments and promotions shall be made subject to the provisions of Article XIII of this charter. If any reduction is made in the force of the department, the commissioners may temporarily discharge those persons whose discharge shall be most conducive to the efficient reorganization of the department; but in case of a subsequent increase of the force, those temporarily discharged shall be reappointed without civil service examination and assigned to the same rank in which they were at the time of their discharge.

Fire de-  
partment.

SEC. 2. No officer, member or employé of the department shall be dismissed or transferred except for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least three days previous to the day of trial. He shall have the right to appear in person and by counsel and examine witnesses in his behalf. All witnesses shall be examined under oath, and all trials shall be public.

Trials and  
dismissals.

SEC. 3. When any officer, member or employé of the department shall become temporarily disabled by reason of injuries received while in the actual performance of his duty therein so as to incapacitate him from performing his duty, the commissioners shall allow his salary during the continuance of such temporary disability.

Disability.

SEC. 4. The commissioners shall see that all contracts awarded and work done for the department are faithfully performed, and shall, upon the awarding of any such contract, exact an adequate bond for the prompt and faithful performance of the same.

Contracts.

The provisions of Article II, Chapter III, of this charter in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the fire department. Any contract made in violation of any of the provisions of this chapter shall be void.

### *Chapter III.—The Chief Engineer.*

SECTION 1. The board of fire commissioners shall appoint a chief engineer, who shall be charged with the special duty of superintending the extinguishment of fires. The chief engineer shall be the chief executive officer of the fire department, and it shall be his duty and that of the assistant chief engineers and of the battalion chiefs to see that all laws, orders, rules and regulations in force in the city and county, or made by the commissioners, concerning the fire department, are enforced.

Chief  
engineer.

Fire de-  
partment.  
Powers  
and  
duties of  
chief en-  
gineer.

SEC. 2. The chief engineer may suspend any subordinate officer, member, or employé of the department for incompetency, or for any violation of the rules and regulations of the fire department, and shall forthwith report in writing such suspension, with his reasons therefor, to the commissioners for their action. He shall diligently observe the condition of the apparatus and workings of the department and report in writing thereon at least once a month to the board and make such recommendations and suggestions respecting the same as he may deem proper. In the absence or inability of the chief engineer, an assistant chief engineer shall perform his duties.

SEC. 3. The chief engineer, or, in his absence, the assistant chief engineers, or, in their absence, any battalion chief in charge, may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

#### Chapter IV.—Fire Companies.

Organiza-  
tion of  
com-  
panies.

SECTION 1. Each steam fire engine company shall be composed of not more than one captain, one lieutenant, one engineer, one driver, one stoker and five hosemen.

Each hook and ladder company shall be composed of not more than one captain, one lieutenant, one driver, one tillerman and eight truckmen.

Each chemical engine company shall be composed of not more than one captain, one lieutenant, one driver and one hoseman.

Each water tower company shall be composed of not more than one captain, one driver and one hoseman.

Each fire boat company shall be composed of not more than one captain, one lieutenant, one engineer, one assistant engineer, two firemen, one pilot and twelve hosemen.

#### Chapter V.—Fire Marshal.

Fire  
marshal  
and fire  
patrol.

SECTION 1. The board of fire commissioners, on the written recommendation of the board of directors of the corporation known as the underwriters' fire patrol of San Francisco, may appoint such persons as may be recommended by said board of directors as fire marshal and assistant fire marshal. Vacancies occurring in the office of fire marshal or assistant fire marshal shall be filled in the same manner. The salaries of said fire marshal and of his assistant and deputies shall be fixed and paid by said board of directors of said underwriters' fire patrol of San Francisco, and in no event shall the city and county be liable therefor or for any part thereof.

Duties.

SEC. 2. The fire marshal or, in case of his disability, the assistant fire marshal, shall attend all fires which may occur in the city and county, and he shall take charge of and protect all property which may be imperiled thereby.

Powers.

SEC. 3. The fire marshal may call upon policemen during the time of any fire for the purpose of protecting property until the arrival of the owner or claimant thereof, and in case

the owner or claimant of such property does not take charge of the same within twenty-four hours the fire marshal may have such property stored at the owner's or claimant's expense.

Fire department.

SEC. 4. The fire marshal shall be charged with the enforcement of all laws and ordinances relating to the storage, sale and use of oils, combustible materials and explosives, together with the investigation of the cause of all fires. In all cases where there is reason to believe that fires are the result of crime, or that crime has been committed in connection therewith, the fire marshal must report the same in writing to the district attorney. The fire marshal shall also have the care of, and may sell, subject to the orders of the board of fire commissioners, all property saved from fire for which no owner can be found, and at once pay the amount realized from any such sale into the treasury. He shall exercise the functions of a police officer.

Fire marshal, powers of.

SEC. 5. The fire marshal shall have the power to appoint deputies for inspecting buildings, but such deputies shall receive no compensation for their services from the city and county.

Deputies.

#### *Chapter VI.—Fire Wardens.*

SECTION 1. The chief engineer, assistant chief engineers, battalion chiefs and the fire marshal shall constitute a board of fire wardens, with power to inspect and report to the board of public works as to the safety of buildings and other structures within the city and county.

Wardens.

#### *Chapter VII.—Firemen's Relief Fund.*

SECTION 1. In order to continue in force and make effectual pensions already existing in favor of firemen, a fund is hereby created to be known and designated as the firemen's relief fund. The board of fire commissioners of the city and county and its successors in office shall constitute a board of trustees of said fund. The board shall be known as the board of fire pension fund commissioners.

Relief fund.

SEC. 2. There shall be annually levied, collected and apportioned to the firemen's relief fund a tax sufficient to meet and pay all demands upon said fund, for the purposes set out in this chapter.

Tax.

SEC. 3. The commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm or disabled fireman of the department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certificated practicing physicians appointed by the commissioners for that purpose, may be ascertained to be, by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired fireman shall receive from the firemen's relief fund a monthly pension equal to one half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the fire department for twenty years continuously next preceding his retirement, and the same shall cease at his death.

Beneficiaries.

Fire de-  
partment.  
Bene-  
ficiaries.

SEC. 4. Any member of the fire department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the chief of the fire department, the captain of the company to which he belongs, and by two regularly certificated physicians of the city and county, recommending his retirement upon a pension on account of such disability, may be retired from the department upon an annual pension equal to one half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Same.

SEC. 5. The commissioners shall, out of the firemen's relief fund, provide as follows for the family of any officer, member, or employé of the fire department who may be killed while in the performance of his duty:

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one half the salary attached to the position held by their father at the time of his death, until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow, and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death, during such time as the commissioners may unanimously determine its necessity.

Forfeiture  
of pension.

SEC. 6. Any person receiving a pension from the firemen's relief fund, who shall be convicted of felony, or who shall become dissipated, an habitual drunkard, or who shall become a non-resident of this state, shall forfeit all right to said pension.

Commis-  
sioners to  
make  
rules.

SEC. 7. The commissioners shall make rules and regulations to carry out the provisions of this chapter and to enforce compliance therewith on the part of the members of the department. It shall make up an estimate every year of the amount required to pay all demands on the firemen's relief fund for the succeeding fiscal year, and certify the same to the supervisors in connection with and as a part of the annual appropriation for the fire department.

Meetings.

SEC. 8. The board of fire pension fund commissioners shall hold quarterly meetings on the first Mondays of April, July, October and January of each year, and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto, for the amount

of money ordered paid to such persons from the firemen's relief fund. Each warrant shall state for what purpose the payment is made.

Fire department relief fund.

The board of fire pension fund commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payment from the relief fund, stating the amounts of such payments and for what granted. Such list shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the firemen's relief fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor, and be audited and ordered paid by him out of said fund.

Records.

SEC. 9. The board of fire pension fund commissioners shall possess the powers vested in the board of fire commissioners to make rules and regulations for its guidance. It may appoint a secretary and provide for the payment from said fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the secretary, and printing; but no compensation shall be paid to any member of the board for any duty required or performed as fire pension fund commissioner.

Secretary

#### Chapter VIII.—Salaries.

SECTION 1. The officers and members of the fire department shall receive annual salaries as follows:

Salaries of fire department.

Chief engineer, four thousand dollars; first assistant chief engineer, three thousand dollars; second assistant engineer, twenty-four hundred dollars; battalion chiefs, each twenty-one hundred dollars; superintendent of engines, eighteen hundred dollars; the clerk and commissary of the corporation yards, fifteen hundred dollars; captains, each fourteen hundred and forty dollars; lieutenants, each twelve hundred dollars; engineers, each thirteen hundred and fifty dollars; drivers, stokers, tillermen, truckmen, hosemen, and stewards, for the first year of service, each nine hundred and sixty dollars; for the second year of service, each ten hundred and eighty dollars; and for the third year of service and thereafter each twelve hundred dollars; hydrantmen, each ten hundred and eighty dollars; superintendent of horses, twelve hundred dollars; draymen, each nine hundred dollars; hostlers, each seven hundred and twenty dollars; watchmen, each nine hundred dollars; pilots of fire boats, each twelve hundred dollars; engineers of fire boats, each fifteen hundred dollars; assistant engineers of fire boats, each fourteen hundred and forty dollars; firemen of fire boats, each nine hundred dollars.

#### Chapter IX.—Department of Electricity.

SECTION 1. There is hereby created a department of electricity, which shall have charge of the construction and maintenance of the fire alarm and police telegraph and telephone

Department of electricity.

systems, and shall be under the control of a joint commission composed of the board of fire commissioners and the board of police commissioners.

**Electrician.** SEC. 2. There shall be appointed by the board of fire commissioners and board of police commissioners, acting in joint session, a practical and skilled electrician, who shall be called the chief of the department of electricity, and who shall have general supervision of the department of electricity. He shall receive an annual salary of twenty-four hundred dollars.

**Assistants.** SEC. 3. The joint commission may appoint such assistants as may be necessary to keep the electric and telephone systems in working order; but of those assistants appointed, no operator or inspector shall receive more than twelve hundred dollars a year, and no repairer, lineman, batteryman or instrument-maker shall receive a salary of more than ten hundred and eighty dollars a year.

**Jurisdiction.** SEC. 4. The fire department and the police department shall each have sole control over its own systems and wires.

**Citizens may connect with system.** SEC. 5. Any citizen, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal system, or telephone or telegraph system, upon making fair payment for the connection and use of the same. Such rates of payment shall be fixed by ordinance of the supervisors; but no connection shall be made so as to interfere with the use of the main line.

**Supervise electrical wires, etc.** SEC. 6. The department of electricity is also charged with the duty of enforcing all the rules, regulations, orders and requirements made by ordinance of the supervisors in regard to the inspection and supervision of electrical wires and appliances, and the currents for furnishing light, heat or power in and upon streets and buildings in the city and county.

## ARTICLE X.

### DEPARTMENT OF PUBLIC HEALTH.

**Board of health.** SECTION 1. There shall be a department of public health under the management of a board of health. The board shall consist of seven members, five of whom shall be appointed by the mayor, and who shall be regularly certificated physicians of the city and county at the time of their appointment, and who must have been such for at least five years next preceding their appointment. The chief of police and the president of the board of public works shall be members of the board by virtue of their office.

**Organization.** The members of the board shall serve without compensation. They shall elect one of their number president, and adopt such rules and regulations as may be necessary for the government of the board.

**Term of office.** SEC. 2. The appointive members of the board shall hold office for four years. Those first appointed under this charter shall so classify themselves by lot that one of them shall go



out of office at the end of one year; one at the end of two years, one at the end of three years, and two at the end of four years.

Health department.

SEC. 3. The board shall have the management and control of the city and county hospitals, almshouses, ambulance service, municipal hospitals, receiving hospitals, and of all matters pertaining to the preservation, promotion and protection of the lives and health of the inhabitants of the city and county; and it may determine the nature and character of nuisances and provide for their abatement.

Powers and duties of board.

It shall have the sanitary supervision of the municipal institutions of the city and county, including jails, school-houses and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and other offensive substances.

Except as provided in Article II, Chapter III, of this charter, it shall have exclusive control and disposition of all expenditures necessary in the institutions under its immediate control.

SEC. 4. The board shall enforce all ordinances, rules, and regulations which may be adopted by the supervisors for the carrying out and enforcement of a good sanitary condition in the city and county; for the protection of the public health; for determining the nature and character of nuisances and for their abatement; and for securing the proper registration of births, deaths, and other statistical information. It shall from time to time submit to the supervisors a draft of such ordinances, rules and regulations as it may deem necessary to promote the objects mentioned in this section.

Same.

SEC. 5. The board may appoint such officers, agents, and employes as may be necessary for the proper and efficient carrying out and enforcement of the purposes and duties of the board, and may fix their salaries and prescribe their duties. All appointments in the department shall be made under the provisions of Article XIII of this charter, and no person so appointed by the board shall be removed without cause.

Same.

SEC. 6. The board may appoint a resident physician of the city and county hospital, who must be a regularly certificated physician and who must have been a resident of the city and county for at least five years next preceding his appointment. He shall devote his time exclusively to the duties of his office.

City and county physician.

SEC. 7. The board shall appoint for the city and county hospital at least two visiting physicians and at least two visiting surgeons, who shall receive no compensation for their services, but who shall have the privilege of teaching students in their hospital wards. Any student who is actively engaged in the study of medicine shall have the benefit of clinical instruction in any of the hospital wards.

Visiting physicians.

SEC. 8. The board may set aside one ward in the city and county hospital for the treatment of confirmed inebriates.

Treatment of inebriates.

SEC. 9. The board may appoint such undergraduates and other internes to the city and county hospital as it may deem necessary. They shall be appointed after a competitive examination by the board in any or all branches of medicine and surgery, and shall receive board and lodging free for their services. They shall be under the control and direction of the res-

Internes.

Health department.	ident physician, who may remove any of them for neglect of duty, or for other good and sufficient cause, subject to an appeal to, and final decision by, said board.
Salaries.	SEC. 10. The board shall fix annually the salaries of all officers and employes of the board. Such compensation shall not exceed salaries paid for similar services in private institutions of like character.
Number of employes.	SEC. 11. The ratio of employes to inmates of any institution under the care of the board shall not exceed that maintained by private institutions of like character.

## ARTICLE XI.

## DEPARTMENT OF ELECTIONS.

*Chapter I.—Board of Election Commissioners.*

Election commissioners.	SECTION 1. The conduct, management, and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the city and county, shall be vested exclusively in and exercised by a board of election commissioners, consisting of five members, who shall be appointed by the mayor, and shall hold office for four years.
Salary.	Each of the commissioners shall receive an annual salary of one thousand dollars. Each member of the board must be an elector of the city and county at the time of his appointment
Qualifications.	and must have been such for five years next preceding such time. Those first appointed must, immediately after their appointment, so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.
Political affiliations.	The mayor shall not make any appointment upon the board at any time before thirty days prior to the time when such appointee is to take office. Two of the five members first appointed shall be chosen from each of the two political parties casting in the city and county the highest vote for governor or electors of president and vice-president, as the case may be, at the last preceding general election. The fifth member shall be chosen from the political party casting the third highest such vote at such election, if there be such third party, and if not, then at the discretion of the mayor. Upon the expiration of the term of office of any commissioner, the appointee must be chosen from the same political party as the retiring commissioner, consistently with the foregoing provisions as to equal representation at all times of the two political parties casting the highest vote at the general election last preceding the appointment in question as prescribed in this section.
Not to take part in politics.	SEC. 2. No member of the board, nor registrar, nor deputy registrar shall, during his term of office, be a member of any convention the purpose of which is to nominate candidates for office; nor be eligible to any other municipal office during the term for which he shall have been appointed, or for one year thereafter; nor act as officer of any election or primary election;

nor take part in any election except to vote and when acting as election commissioner, at which time he shall perform only such official duties as may be required of him by law and by this charter.

SEC. 3. The commissioners shall organize within ten days after their appointment by choosing one of their number president. In case of failure to agree, he shall be selected by lot. He shall hold office for one year and until his successor is chosen. The board shall appoint a registrar of voters, who shall receive an annual salary of twenty-four hundred dollars. The registrar shall be the secretary of the board, and shall keep a record of its proceedings, and shall execute all orders and enforce all rules and regulations adopted by the board. The term of office of registrar shall be four years.

Organiza-  
tion.

Registrar  
of voters.

SEC. 4. The board may appoint such other clerical assistants as may be necessary, at a salary not to exceed one hundred dollars a month each for the time actually employed. The board shall, by resolution adopted by a majority vote of all its members and entered upon its minutes, designate the service to be rendered by such assistants and the time for which they shall be employed. The time of employment of such assistants shall not be extended except by like resolution of the board, and when a salary shall have been once fixed it shall not be increased. This section is subject to the provisions of Article XIII of this charter.

Clerks.

SEC. 5. All provisions of the general laws of this state respecting elections shall be applicable to all elections held in the city and county of San Francisco. All provisions of the general laws of this state respecting the registration of voters shall be applicable to such registration in the city and county. The board of election commissioners must provide for precinct registration so far as it can do so under the constitution and laws of the state.

General  
laws and  
precinct  
registra-  
tion.

### *Chapter II.—Municipal Elections.*

SECTION 1. There shall be held in the city and county of San Francisco on the first Tuesday after the first Monday of November in the year one thousand eight hundred and ninety-nine, and in every second year thereafter, an election to be known as the municipal election.

Municipal  
elections.

At said elections there shall be elected by the electors of the city and county the following officers: The mayor, eighteen supervisors, an auditor, treasurer, assessor, tax collector, recorder, city attorney, district attorney, public administrator, county clerk, sheriff, coroner, and four police judges. Each of the above officers shall be elected for two years, except the police judges and the assessor, each of whom shall be elected for four years. The superintendent of public schools shall be elected for four years, and the justices of the peace for two years, at the same time that members of the legislature are elected.

Officers to  
be elected.

SEC. 2. All of the officers of the city and county of San Francisco who shall be elected in the year one thousand eight

Terms.

- Municipal elections.** hundred and ninety-eight, under existing laws, except the superintendent of public schools and the justices of the peace, shall hold office only until the hour of noon on the first Monday after the first day of January in the year nineteen hundred.
- Take office.** SEC. 3. The officers first elected as aforesaid under this charter shall take office at noon on the first Monday after the first day of January following.
- Mayor's proclamation.** SEC. 4. The mayor shall issue his proclamation and publish the same in the official newspaper for at least twenty days previous to the day in each year on which the municipal election is to be held under this charter, calling upon the electors of the city and county to meet for the purpose of electing such officers as are provided for in this charter, reciting in such proclamation the different officers to be elected at such election.

## ARTICLE XII.

## ACQUISITION OF PUBLIC UTILITIES.

**Public utilities to be acquired.** It is hereby declared to be the purpose and intention of the people of the city and county that its public utilities shall be gradually acquired and ultimately owned by the city and county. To this end it is hereby ordained:

**Estimates of cost.** SECTION 1. Within one year from the date upon which this charter shall go into effect, and at least every two years thereafter until the object expressed in this provision shall have been fully attained, the supervisors must procure through the city engineer plans and estimates of the actual cost of the original construction and completion by the city and county of water works, gas works, electric light works, steam, water or electric power works, telephone lines, street railroads and such other public utilities as the supervisors or the people by petition to the board may designate.

In securing estimates of the original cost of the construction and completion of water works by the city and county, the supervisors must procure and place on file plans and estimates of the cost of obtaining from all of the several available sources a sufficient and permanent supply of good pure water, for the city and county, in order that propositions for the acquisition, construction and completion thereof, and the incurring of municipal indebtedness therefor, may be submitted to the electors of the city and county as hereinafter set forth.

**Supervisors to negotiate.** SEC. 2. After such plans and estimates shall have been procured and filed, the supervisors shall, at as early a date as they may deem for the best interests of the city and county, enter into negotiations for the permanent acquisition by the city and county, by original construction, condemnation or purchase of such or any of said public utilities as they may regard most important to the city and county to be first acquired, and to formulate and submit to the electors of the city and county, at a special election, propositions for the permanent acquisition and ownership thereof.

Before submitting propositions to the electors for the acquisition by original construction or condemnation, of public utilities, the supervisors must solicit and consider offers for the sale to the city and county of existing utilities, in order that the electors shall have the benefit of acquiring the same at the lowest possible cost thereof.

Offers to sell must be considered.

SEC. 3. When a petition or petitions signed by electors of the city and county equal in number to fifteen per centum of all the votes cast at the last preceding general election shall be presented to the supervisors, setting forth that the signers thereof favor the acquisition by the city and county of any public utility, and requesting the board to prepare for submission to the electors of the city and county, as hereinafter provided, a proposition for the acquisition of such utility, it shall be the duty of the board to immediately take such steps or to enter into such negotiations as will enable it to formulate such a proposition for submission to the electors as aforesaid. Such proposition shall be so formulated and completed within six months from the date of the filing of such petition. The clerk of the supervisors must, immediately upon the filing of the aforesaid petition or petitions, after examining and verifying the signatures thereto, transmit an authenticated copy thereof, without the signatures, to the board of election commissioners, and another such copy to the mayor, together with a certificate that the required number of signatures are appended to the original. The mayor shall also have the right to formulate and submit to the electors a separate proposition from that formulated by the supervisors for the acquisition of the utility named in said petition. At the next municipal election after the formulation of such propositions by the supervisors and the mayor, the board of election commissioners shall submit to the electors the two alternative propositions. The proposition receiving a majority of the votes cast thereon shall be adopted; but in case the votes cast in favor of both propositions shall not exceed one half the total number of votes cast thereon, both propositions shall be deemed rejected.

Petition, procedure and duty of supervisors.

Mayor may submit proposition to electors.

Nothing in this section shall be so construed as to prohibit the supervisors from responding to the aforesaid petition of the electors requesting the acquisition of any public utility by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an ordinance declaring its determination to acquire the same as provided in section six of this article and from proceeding thereafter to acquire the same in the manner hereinafter provided.

Supervisors may proceed.

SEC. 4. In case the cost of any public utility sought to be acquired under the provisions of this article, can be paid out of the annual revenues of the city and county, in addition to the other necessary expenditures thereof, it shall be lawful to acquire the same by a majority vote of the electors voting thereon at any special election. In submitting propositions to the electors for such acquisition the supervisors shall specify in such proposition the cost of the public utility, the proposed method and manner of payment therefor, and submit to the

When majority vote may determine.

electors the question whether the same shall be acquired upon such terms.

Two-thirds  
vote neces-  
sary to is-  
sue bonds.

In case, however, the cost of such public utility sought to be acquired under the provisions of this article shall so far exceed the annual revenues of the city and county, in addition to the other necessary expenditures thereof, as to render it necessary to incur a municipal bonded indebtedness for such purpose, then the supervisors, in submitting propositions to the electors for the acquisition thereof, shall specify therein the amount of the proposed bonded indebtedness, the rate of interest thereon, and whether such bonded indebtedness shall be incurred. At least two thirds of the electors voting thereon at such election shall be necessary to secure such acquisition and to warrant the issuance of municipal bonds therefor, as hereinafter set forth.

When  
supervis-  
ors must  
pass ordi-  
nance.

SEC. 5. When the electors by vote shall have determined, as hereinbefore set forth, to acquire any public utility such action on the part of the electors shall be equivalent to the passing of the ordinance by the supervisors declaring such determination as set forth in section six of this article, and the supervisors shall proceed without delay to pass an ordinance calling a special election as required by section seven of this article.

Publi-  
cation.

SEC. 6. When the supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the city and county, the supervisors shall, by ordinance, specifically declare such determination, and shall publish the same for at least two weeks in the official newspaper.

Special  
election.

SEC. 7. At the next regular meeting of the supervisors after the publication of the ordinance declaring said determination as above set forth, or at an adjourned meeting thereof, or not less than two weeks nor more than four weeks after the electors by vote shall have determined to acquire any public utility, the supervisors by ordinance shall call a special election, at which shall be submitted to the electors the proposition of acquiring such public utility, and of incurring a debt for the acquisition of the same as set forth in such ordinance. No question other than the acquisition of such utility and the incurring of the indebtedness therefor shall be submitted at such election.

Ordinance  
shall re-  
cite.

SEC. 8. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public utility, the necessity for the acquisition of the same, and that bonds of the city and county shall issue for the payment of the cost of the same as in such ordinance set forth (if the proposition be accepted by the electors), and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against incurring such indebtedness. Such election shall be held as provided by law for holding elections in the city and county.

SEC. 9. Such ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.

Publica-  
tion.

SEC. 10. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this article, which, together with the existing bonded indebtedness of the city and county, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the city and county.

Limit to  
indebted-  
ness.

SEC. 11. The bonds issued under the provisions of this article shall be of the character of bonds known as serials, and shall be payable in lawful money of the United States. The supervisors shall decide at the times of the issue of the bonds in what lawful money of the United States said bonds shall be payable. Not less than one-fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the supervisors, together with the interest on all sums unpaid at such date.

Serial  
bonds;  
manner of  
payment.

The bonds so issued shall be exempt from all taxation for municipal purposes, and shall be issued in denominations of not less than ten dollars nor greater than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and lowest denominations.

Bonds ex-  
empt from  
taxation.

Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed four per centum per annum, payable annually, semi-annually, or quarterly, as the supervisors may determine. Such bonds, when issued, may be sold by the supervisors from time to time, as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States, as aforesaid, to the highest bidder, at not less than par, after having been advertised in the official newspaper. They shall be sold under sealed proposals, and the supervisors shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sales shall be placed in the treasury, to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue, until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund.

Where and  
when pay-  
able.

SEC. 12. Such bonds shall be signed by the mayor and the treasurer, and shall be countersigned by the auditor. The coupons shall be numbered consecutively and signed by the treasurer, and the bonds and coupons shall be payable at the office of the treasurer.

Tax to pay interest on bonds.

SEC. 13. At the time of levying the municipal tax and in the manner provided for such tax levy the supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

Penalty for neglect.

SEC. 14. A neglect or refusal on the part of the supervisors to comply with the provisions of this article shall constitute cause for the removal from office of any member or members of the board guilty of such neglect or refusal.

## ARTICLE XIII.

### CIVIL SERVICE.

Civil service commission.

SECTION 1. Immediately upon the taking effect of this charter the mayor shall appoint three persons, known by him to be devoted to the principles of civil service reform, who shall constitute the civil service commission, one for one year, one for two years, and one for three years. Each year thereafter the mayor shall in like manner appoint one person as the successor of the commissioner whose term of office expires in that year, to serve as such commissioner for three years. All appointments shall be so made that not more than one commissioner shall at any time belong to the same political party. Each of such commissioners shall receive an annual salary of twelve hundred dollars.

Non-partisan.

Classified service.

SEC. 2. The commissioners shall classify all the places of employment in or under the offices and departments of the city and county mentioned in section eleven of this article, with reference to the examinations hereinafter provided for. The places so classified by the commissioners shall constitute the classified civil service of the city and county, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

Rules.

SEC. 3. The commissioners shall make rules to carry out the purposes of this article, and for examinations, appointments, promotions and removals, and in accordance with its provisions may from time to time make changes in the existing rules. All rules and all changes therein shall be forthwith printed for distribution by the commissioners.

Examination of applicants.

SEC. 4. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. Such examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of physical qualifications, health, and of manual or professional skill.



SEC. 5. The selection of laborers shall be governed by priority of application only. No question in any examination shall relate to political or religious opinions or affiliations. The commissioners shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city and county, to be examiners; and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examinations as the commissioners may direct, and to make return and report thereof to the commissioners. The commissioners may substitute any other person, whether in or not in such service, in the place of any one so selected, or may themselves act as such examiners.

Selection  
of laborers.

Exami-  
ners.

SEC. 6. Notice of the time, place and general scope of every examination shall be given by the commissioners by publication for two weeks preceding such examination in the official newspaper, and such notice shall also be posted by the commissioners in a conspicuous place in their office for two weeks before such examination. Such further notice of examination shall be given as they may prescribe.

Notice of  
examina-  
tion.

SEC. 7. From the returns of the examiners, or from the examinations made by the commissioners, the commissioners shall prepare a register for each grade or class of positions in the classified service of the city and county of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the commissioners, and who are otherwise eligible. Such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination.

Commis-  
sioners to  
prepare  
registers.

SEC. 8. The commissioners shall provide for promotion in the classified service on the basis of ascertained merit and seniority in service and standing upon examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank established by the commissioners for each department as desire to submit themselves to such examinations. The commissioners shall submit to the appointing power the names of not more than three applicants having the highest rating for each promotion. The method of examining, and the rules governing the same, and the method of certifying, shall be the same, as near as may be, as provided for applicants for original appointments.

Promo-  
tions.

SEC. 9. The head of the department or office, in which a position classified under this article is to be filled, shall notify the commissioners of that fact, and the commissioners shall then certify to the appointing officer the name and address of one or more candidates, not exceeding three, standing highest upon the register for the class or grade to which the position belongs; but laborers shall be taken according to their priority of application. In making such certification, sex shall be dis-

Filling  
vacancies.

regarded, except when some statute, the rules of the commissioners, or the appointing power specifies sex.

Filling  
vacancies.

Probation.

Temporary  
appoint-  
ments.

Applica-  
tion of this  
article.

Exemp-  
tions.

Discharges  
and re-  
movals.

SEC. 10. The appointing officer shall notify the commissioners of each position to be filled separately, and shall fill such place by the appointment of one of the persons certified to him by the commissioners therefor. Such appointment shall be on probation for a period to be fixed by the rules of the commissioners; but such rules shall not fix such period at exceeding six months. The commissioners may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which a candidate is employed, may, by and with the consent of the commissioners, discharge him upon assigning in writing his reason therefor to the commissioners. If he is not then discharged, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with the approval of the commissioners, make temporary appointments, to remain in force not exceeding sixty days, and only until regular appointments, under the provisions of this article, can be made.

SEC. 11. The provisions of this article shall apply to the following offices and departments of the city and county: The county clerk, the assessor, the tax collector, the sheriff, the auditor, the recorder, the coroner, the clerks and stenographers of the justices' and police courts, the board of public works, the police department, the fire department, the board of election commissioners, the board of health and all boards or departments controlling public utilities; but the following deputies, clerks and employes in said offices and departments shall be exempted therefrom: The cashier of the county clerk, the chief deputy and the cashier of the assessor, the chief deputy and the cashier of the tax collector, the under sheriff and the chief bookkeeper of the sheriff, the deputy auditor, the chief deputy of the recorder, the chief deputy coroner, the city engineer, the secretary and the architect of the board of public works, the registrar of the board of election commissioners, the chief of police, the chief engineer of the fire department, and all physicians appointed by or on the board of health. All officers, courts, boards and heads of departments vested in this charter with the power to appoint deputies, clerks, stenographers or employes in any of the offices or departments of the city and county mentioned in this section shall make such appointments in conformity with the rules and provisions prescribed by this article, and any appointment not so made shall be void.

SEC. 12. No deputy, clerk or employe in the classified civil service of the city and county, who shall have been appointed under said rules, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the civil service commission, or by or before some officer or board appointed by the commissioners to conduct

such investigation. The finding and decision of the commissioners, or such investigating officer, or board, when approved by the commissioners, shall be certified to the appointing officer or board, and shall be forthwith enforced by such officer. Nothing in this article shall limit the power of any officer or board to suspend a subordinate for a reasonable period, not exceeding thirty days.

Suspend-  
ion.

SEC. 13. Immediate notice in writing shall be given by the appointing power to the commissioners of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, suspensions, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by the commissioners. When any place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to the commissioners.

Notice of  
appoint-  
ments.

SEC. 14. The commissioners shall investigate the enforcement of the provisions of this article, and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in the city and county, and may inquire as to the nature, tenure and compensation of all places in the public service thereof.

Duties of  
commis-  
sioners.

SEC. 15. The commissioners shall, on or before the fifteenth day of January in each year, make to the supervisors a report showing their acts, the rules in force, the practical effects thereof, and suggestions for the more effectual accomplishment of the purposes of this article. The mayor may require a report from the commissioners at any time.

Report of  
commis-  
sioners.

SEC. 16. The commissioners shall employ a chief examiner who shall, under their direction, superintend any examination held in the city and county under this article, and who shall perform such other duties as the commissioners may prescribe. The chief examiner shall be secretary of the commission by virtue of his office. He shall keep minutes of its proceedings, preserve all reports made to it, and keep a record of all examinations held under its direction. He shall receive an annual salary of twenty-four hundred dollars.

Chief ex-  
aminer.

SEC. 17. The supervisors shall furnish the commission with suitable offices, office furniture, books, stationery, blanks, heat and light, and shall provide for the payment of such other expenses as may be necessarily incurred in carrying out the provisions of this article.

Office and  
supplies.

SEC. 18. No person or officer shall by himself, or in coöperation with other persons, defeat, deceive, or obstruct any person, in respect to his or her right of examination; or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed, or promoted.

Persons  
not to be  
aided or  
hindered  
in exami-  
nations.

Certificate  
to auditor.

SEC. 19. The commissioners shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation, or death, and all findings made or approved by the commission under the provisions of section twelve of this article.

Penalty  
for viola-  
tions.

SEC. 20. The commissioners shall have power to institute and prosecute legal proceedings for violations of any of the provisions of this article.

## ARTICLE XIV.

### PARK COMMISSIONERS.

Park com-  
mission-  
ers, and  
parks.

SECTION 1. The lands designated upon the map of the outside lands of the city and county, made pursuant to order number one hundred, by the word "park," extending from Stanyan street to the Pacific ocean and known as Golden Gate Park; also the land fronting on Haight street, designated upon said map by the word "park" and known as "Buena Vista Park"; also the lands designated upon said map by the word "avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific ocean, and designated upon said map as "Great Highway"; also "Mountain Lake Park"; also "Seal Rocks," as ceded to the city and county of San Francisco by act of congress, and all the other parks and squares in the city and county, and all the grounds surrounding public buildings in the city and county, and all parks and squares and public pleasure grounds hereafter acquired by the city and county shall be under the exclusive control and management of a board of commissioners, who shall be known and designated as park commissioners.

SEC. 2. The commissioners shall be successors in office of the park commissioners holding office in the city and county at the time this charter shall go into effect by virtue of appointment under any statute of this state.

To be ap-  
pointed by  
the mayor.

SEC. 3. The commissioners shall be five in number, one of whom must be an artist. They shall be appointed by the mayor for a term of four years and shall receive no compensation for their services. They shall so classify themselves by lot that one of them shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

Term.

Organiza-  
tion.

SEC. 4. The commissioners shall organize by electing one of their number president, and they may elect a secretary who is not a member of the board. The board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employes, and shall require adequate bonds from all of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the

mayor and filed in the office of the auditor. The person elected president shall hold his office for one year, or until his successor is elected. The board must hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper. Meetings.

Three of the commissioners shall constitute a quorum for the transaction of business. No contract shall be entered into authorizing the expenditure of money without the approval of four of the commissioners. Every contract exceeding five hundred dollars in amount shall be open to public competition, unless the board shall determine in any given case to have the work done by day's labor. All the provisions of the article in this charter on the department of public works relating to contracts shall be applicable to all contract work ordered by the commissioners. Quorum. Contracts.

SEC. 5. The commissioners may adopt ordinances for the regulation, use and government of the aforesaid parks, squares, avenues and grounds not inconsistent with the laws of the state of California or with this charter. Such ordinances shall, within five days after their passage, be published for ten days, Sundays excepted, in the official newspaper. Any person violating any of such ordinances shall be deemed guilty of a misdemeanor, and shall be punished therefor, on conviction, in any court of competent jurisdiction. None of such ordinances shall be valid unless it receives the vote of four members of the board. No ordinance shall be passed at the same meeting at which it is introduced, or at any other than a regular meeting. Such ordinances shall take effect in not less than ten days after their adoption. Park ordinances.

SEC. 6. The commissioners shall have the complete and exclusive control, management, and direction of the aforesaid parks, squares, avenues, and grounds, and the exclusive right to erect, and to superintend the erection of, buildings and structures thereon; and to that end may employ and appoint superintendents, laborers, surveyors, engineers, and other officers and assistants, and prescribe and fix their duties, authority, and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares, avenues, and grounds. Commissioners to have exclusive control.

The board may accept from donors suitable articles for the museum and art gallery situate in the aforesaid Golden Gate Park, and shall manage and control said museum and art gallery. Museum.

Except as provided in section nine of this chapter, nothing in this section shall be so construed as to authorize the commissioners to lease any part of any of said parks, squares, avenues and grounds to any person, company or corporation for any purpose; or to permit any person, company or corporation to build or maintain any structure on any part of said parks, squares, avenues or grounds; but this shall not inhibit the board from leasing, for a period not greater than one year, such buildings as may be constructed by itself for the use of May not lease. Exception.

Park com-  
missioners

the public to such person, company or corporation who shall undertake to serve such use; and in every such lease the board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used for park-pleasure purposes only. No such building shall be constructed by the board except it be within the objects and purposes for which said parks, squares, avenues and grounds were dedicated to the public.

Exposi-  
tions.

Nothing, however, in this section contained shall inhibit the board from permitting the use of a limited portion of any one of the aforesaid parks or squares for the purpose of conducting thereon a fair or exposition, under such conditions and restrictions as may be necessary to conserve the integrity of said parks and squares, and for a period not greater than six months, and so as not to interfere with the use of any of the same by the public for park-pleasure purposes; but no such permission shall ever be granted except such fair or exposition be of national, state or municipal importance. None of the moneys in, or apportioned to, the park fund shall be used for the purposes of any such fair or exposition.

Police.

SEC. 7. The chief of police shall, on the request of the commissioners, detail such members of the police force of the city and county for service in said parks, squares, avenues and grounds as may be necessary for the enforcement of the law and for the proper observance of the ordinances of the commissioners; and the commissioners may provide a place of detention within either of said public places, in which the persons arrested for violating any of the ordinances of the board may be detained temporarily.

Legacies  
and be-  
quests.

SEC. 8. The board may receive donations from persons and corporations and legacies and bequests for the improvement of said parks, squares, avenues and grounds. All moneys that may be derived from such donations, legacies and bequests, shall, unless otherwise provided by the terms of such gift, legacy or bequest, be deposited in the treasury of the city and county to the credit of the park fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares, avenues and grounds. If the moneys derived from such gifts, bequests or legacies, shall at any time exceed in amount the sum necessary for immediate expenditures on said parks, squares, avenues and grounds, the board shall invest all or a part of the same in interest-bearing bonds of the United States, or of the state of California, or of any municipality thereof.

State expo-  
sition  
building.

SEC. 9. The board may lease to the state of California, on such terms as it may deem proper, a plot of ground in Golden Gate Park not more than seven hundred feet square, on which said state may erect and maintain an exposition building, in which may be exhibited the products of the several counties of the state and in which the collection made by the state mining bureau may be maintained and exhibited; but said

lease shall be upon the express condition that no fee shall ever be charged for admission to said building.

SEC. 10. Hereafter no work of art shall become the property of the city and county by purchase, gift or otherwise, unless such work of art or design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the commissioners; nor shall such work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon, any street, avenue, square, park, municipal building or other public place belonging to the city and county. The board may require a complete model of the proposed work of art to be submitted. The term "work of art" as used in this section shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character, intended for ornament or commemoration. No existing work of art in the possession of the city and county shall be removed, relocated or altered in any way without the similar approval of the board. When so requested by the mayor, or the supervisors, or the board of public works, or the board of education, the board of park commissioners shall act in a similar capacity, with similar powers, in respect of the designs of municipal buildings, bridges, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city and county, and in respect of the lines, grades and plotting of public ways and grounds, and in respect of arches, bridges, structures and approaches which are the property of any corporation or private individual and which shall extend over or upon any street, avenue, highway, park, or public place belonging to the city and county. This section shall not be so construed as to impair the power of the park commissioners to refuse their consent to the erection or acceptance of public monuments or memorials or other works of art of any sort within any park, square or public place in the city and county.

"Works of art" must be approved by commissioners.

SEC. 11. The supervisors shall provide all necessary money for the maintenance, preservation and improvement of said parks, squares, avenues, and grounds, and to that end shall annually levy a tax on all property in the city and county not exempt from taxation, which shall not be less than five cents nor more than seven cents upon each one hundred dollars assessed valuation of said property.

Park fund tax levy.

## ARTICLE XV.

### BONDS OF OFFICIALS.

SECTION 1. Officers of the city and county, before entering upon the discharge of their official duties, shall respectively give and execute to the city and county such official bonds as may be required by law, ordinance, or this charter. When the

Official bonds.

Official  
bonds.

amount of any bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the supervisors. All bonds, excepting those of the mayor and auditor, must be approved by the mayor and auditor; the bond of the mayor must be approved by the auditor; and the bond of the auditor must be approved by the mayor. The approval of every official bond must be indorsed thereon, and signed by the officers approving the same, after examination of the sureties, as herein-after provided. Upon the approval of a bond it must be recorded, at the expense of the party giving the bond, in the office of the recorder, in a book kept for that purpose, entitled record of official bonds. The bond of the auditor shall be filed and kept in the office of the county clerk. The bonds of all other officers shall be filed and kept in the office of the auditor.

SEC. 2. The following officers shall respectively execute official bonds to the city and county, with sureties, in the following sums:

Amount of  
bonds.

Mayor, twenty-five thousand dollars; auditor, fifty thousand dollars; treasurer, one hundred thousand dollars; tax collector, one hundred thousand dollars; assessor, fifty thousand dollars; county clerk, fifty thousand dollars; recorder, ten thousand dollars; sheriff, fifty thousand dollars; coroner, ten thousand dollars; city attorney, ten thousand dollars; district attorney, ten thousand dollars; public administrator, fifty thousand dollars; superintendent of public schools, five thousand dollars; each commissioner of public works, twenty-five thousand dollars; clerk of the supervisors, ten thousand dollars; each supervisor, five thousand dollars; each school director, five thousand dollars; each fire commissioner, ten thousand dollars; each police commissioner, five thousand dollars; each election commissioner, ten thousand dollars; property clerk of police department, ten thousand dollars; the warrant and bond clerk, ten thousand dollars.

What bond  
shall con-  
tain.

SEC. 3. City and county officers shall not be accepted as surety for each other on official bonds. Every bond shall contain a condition that the principal will faithfully perform all official duties then, or that may thereafter be, imposed upon or required of him by law, ordinance, or this charter, 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. Such bond must also be executed by two or more sureties who shall each justify in the amount required for said bond; 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, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond.

Qualifica-  
tions of  
sureties.

SEC. 4. Every surety upon an official bond, other than lawfully authorized surety companies, must make an affidavit, which shall be indorsed upon such bond, that he is a resident and freeholder in the city and county, and worth in property



situated in the city and county, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officers whose duty it is to approve the bond.

SEC. 5. When under any of the provisions of this charter, or of any ordinance, an official bond shall be required from an officer, the supervisors may, by resolution, require an additional bond, whenever, in the opinion of such board, such bond or any surety thereto becomes insufficient; and such additional bond shall also be required when a surety to a bond shall die, or cease to be a resident of the city and county.

Additional  
bond.

SEC. 6. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employes, appointed by him, and of any and each of them, and every official bond shall contain such a condition.

Liability.

SEC. 7. Every board, department or officer may require of their deputies, clerks or employes bonds of indemnity with sufficient sureties for the faithful performance of their duties.

Bonds of  
deputies,  
clerks, etc.

## ARTICLE XVI.

### MISCELLANEOUS.

SECTION 1. The words "city and county" wherever they occur in this charter mean the city and county of San Francisco; and every department, board and officer, wherever either one of them is mentioned in this charter, means a department, board or officer, as the case may be, of the city and county of San Francisco.

"City and  
county"  
defined.

SEC. 2. All deputies, clerks, assistants and other employes of the city and county must be citizens of the United States, and must, during their respective terms of office or employment, actually reside in the city and county, and must have so resided for one year next preceding their appointment.

United  
States citi-  
zenship  
required.

SEC. 3. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the state; but he may, once only during his term of office, so absent himself for a period of not more than sixty days upon the written permission of the mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

Absence'  
from state  
prohibit-  
ed.

SEC. 4. Any person holding a salaried office under the city and county, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this state, or who shall hold any other salaried office connected with the government of the city and county, or who shall

Shall not  
hold two  
offices.

become a member of the legislature, shall be deemed to have thereby vacated the office held by him under the city and county.

Limitations.

SEC. 5. No department, board, or officer shall, under any circumstances, employ more subordinates than are specifically provided for in this charter, or buy supplies beyond the sum furnished therefor by the supervisors.

Shall not be interested in contracts.

SEC. 6. No supervisor, and no officer or employé of the city and county, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city and county. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right, or privilege granted by the city and county, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed or employed in the service of the city and county; and all such contracts shall be void, and shall not be enforceable against the city and county.

Penalty.

Promises or valuable considerations prohibited.

SEC. 7. No officer or employé of the city and county 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; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed, or employed in the service of the city and county.

Penalty.

Accepting bribe

SEC. 8. Any officer of the city and county who 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 from any candidate or applicant for any position as employé or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of the city and county.

Penalty.

Reports.

SEC. 9. Every department, board and commission provided for in this charter, except the supervisors, shall render to the mayor within one month after the end of each fiscal year a full report of all the operations of such department or board or commission for such year.

Vacancies.

SEC. 10. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of the city and county, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or

shall have been absent from the state without leave for more than sixty consecutive days.

SEC. 11. 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 and county individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Liability  
for illegal  
payments.

SEC. 12. The departments, boards, commissioners and officers provided for in this charter shall be entitled to the possession of all papers, books, documents, maps, plats, records, and archives in the possession or under the control of those respectively who are superseded in office under this charter by such departments, boards, commissioners and officers.

Custody of  
records,  
etc.

SEC. 13. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the police department shall not be subject to such inspection except permission be given by the police commissioners or by the chief of police.

Books and  
records  
open to  
inspection.

Certified  
copies.

SEC. 14. The treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or by this charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and, in addition thereto, from the first day of November until the last Monday of December in each year the office of the tax collector shall be kept open until nine o'clock in the evening.

Office  
hours.

SEC. 15. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been found guilty of malfeasance in office, bribery or other infamous crime, or who in any capacity has embezzled public funds.

Qualifica-  
tions of  
officers.

SEC. 16. The fiscal year mentioned in this charter shall commence on the first day of July and end on the thirtieth day of June following.

Fiscal  
year.

SEC. 17. All moneys, assessments, and taxes belonging to or collected for the use of the city and county, coming into the hands of any officer of the city and county, 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, he shall be deemed guilty of misconduct in office and may be removed.

Moneys to  
be paid to  
treasurer.

SEC. 18. Any elected officer, except supervisor, may be suspended by the mayor and removed by the supervisors for cause; and any appointed officer may be removed by the mayor for cause. The mayor shall appoint some person to discharge the duties of the office during the period of such suspension.

Suspensions and  
discharges.

Procedure  
after sus-  
pension of  
elected  
officer.

SEC. 19. When the mayor shall suspend any elected officer, he shall immediately notify the supervisors of such suspension, and the cause therefor. If the board is not in session, he shall immediately call a session of the same in such manner as shall be provided by ordinance. The mayor shall present written charges against such suspended officer to the board, and furnish a copy of the same to said officer, who shall have the right to appear with counsel before the board in his defense. If by an affirmative vote of not less than fourteen members of the board of supervisors, taken by ayes and noes, and entered on its record, the action of the mayor is approved, then the suspended officer shall thereby be removed from office; but if the action of the mayor is not so approved, such suspended officer shall be immediately reinstated.

Same; of  
appointed  
officer.

SEC. 20. When the mayor shall remove an appointed officer from office, he shall immediately notify the board of supervisors of such removal, and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings.

Removals.

SEC. 21. Unless otherwise provided by law or by this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed.

Appoint-  
ments in  
writing,  
etc.

SEC. 22. All appointments of officers, deputies and clerks to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or person, board or officer making the same. One of such duplicates must be filed with the secretary of the civil service commission and the other with the auditor.

Classifica-  
tion by lot,  
to be re-  
corded.

SEC. 23. Wherever 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 clerk of the supervisors. In every case such classification must be made at the first meeting of the board.

Powers of  
officers and  
boards.

SEC. 24. Every officer and every member of any board or committee provided for in this charter shall have the power to administer oaths and affirmations, and every such board, officer or committee shall have power to issue subpoenas, to compel by subpoena the production of books, papers, and documents, and to take and hear testimony concerning any matter or thing pending before any such board, officer, or committee. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper, or document, as required by such subpoena, or shall refuse to testify before any such board, officer, or committee, or to answer any question which any officer or a majority of such board or committee shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board, officer, or committee shall have power to take the proceedings in that behalf provided by the general laws of this state. The

chief of police must, on request of such officer or of any member of any such board or committee, detail a police officer or officers to serve such subpœnas.

SEC. 25. All publications provided for in this charter must be made in the official newspaper only.

Official newspaper.

SEC. 26. All franchises and privileges heretofore granted by the city and county which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Franchises not exercised.

SEC. 27. All ordinances or resolutions for the improvement of any street for which no contract shall have been entered into at the time this charter takes effect are hereby repealed.

Ordinances repealed.

SEC. 28. All ordinances, orders and resolutions of the supervisors of the city and county in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

Ordinances continued in force.

SEC. 29. When the supervisors shall determine that the public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in addition to the other expenses of the city and county will exceed the income and revenue provided for the city and county for any one year, they must by ordinance passed by the affirmative vote of not less than fourteen members of the board, submit a proposition to incur a bonded indebtedness for such purpose to the electors of the city and county at a special election to be held for that purpose only. All the provisions of this charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition to the electors, to the limitations of said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sales of such bonds shall be paid into the treasury to the credit of the public building fund.

Bonded indebtedness for public improvements, etc.

SEC. 30. Every assistant deputy or other subordinate of any board, department or officer, shall discharge any of the duties pertaining to such department, board or office as his chief may assign him to.

Duties of subordinates.

SEC. 31. No member of the board of police commissioners and no member of the board of fire commissioners shall be eligible to any elective office while he is a member of such board, or for one year thereafter.

Ineligibility to office.

SEC. 32. No member of the board of police commissioners, and no member of the board of fire commissioners, and no officer, subordinate or employé of the police department, or of the fire department, shall be a member of any partisan convention the purpose of which is to nominate candidates for office; nor shall either of them, directly or indirectly, electioneer, by soliciting votes or otherwise, for or against any candidate for office at any election, or for or against any candi-

Members of police or fire department not to participate in politics.

- date for nomination before any political convention, or for or against any candidate for delegate to such convention at any primary election; nor shall either of them be a member of any committee, club, or organization the purpose of which is to nominate or indorse candidates for office at any election; nor in any way attempt to influence or control such committee, club, or organization, while nominating or indorsing said candidates; nor take any part in the control, management, or distribution of the political patronage of any public officer; nor shall any member of either of said boards, or any officer, subordinate or employé of either of said departments, directly or indirectly, attempt to control, or in any manner influence the action of any officer, subordinate or employé of either of said departments at any general, special, or primary election. And no officer, subordinate or employé of either of said departments shall levy, collect or pay any amount of money as an assessment or contribution for political purposes. Any person violating any of the provisions of this section shall be removed forthwith from his office or employment. If the violation be by a member of either of said boards, the mayor must remove such member; and if by an officer, employé, or subordinate of either of said departments, then the board whose officer, employé, or subordinate has been guilty of such violation, must remove such officer, employé, or subordinate; and if such board fail or refuse to make such removal, then the mayor must remove all members of the board who have so failed or refused.
- Political assessments prohibited.** **SEC. 33.** No deputy, clerk, or other employé of the city and county shall be paid for a greater time than that covered by his actual service.
- Penalties.** **SEC. 34.** The salaries provided in this charter shall be in full compensation for all services rendered, and every officer shall pay all moneys coming into his hands as such officer, no matter from what source derived or received, into the treasury of the city and county within twenty-four hours after receipt of the same.
- Overtime.** **SEC. 35.** When any officer, board or department shall require additional deputies, clerks or employés, application shall be made to the mayor therefor, and upon such application the mayor shall make investigation as to the necessity for such additional assistance; and if he find the same necessary he may recommend to the supervisors to authorize the appointment of such additional deputies, clerks or employés; and thereupon the supervisors, by an affirmative vote of not less than fourteen members, may authorize such appointments, and provide for the compensation of such appointees, subject to the limitations contained in this charter, and subject to the provisions of Article XIII thereof.
- Salaries, full compensation.** **SEC. 36.** At any time between the first day of December, in the year one thousand eight hundred and ninety-nine, and the first day of January, in the year nineteen hundred, the person who, at the election held under this charter in the month of November next preceding, has been elected the mayor of the
- Additional clerical employés.**
- Appointments by mayor.**

city and county, shall make all the appointments provided by this charter to be made by him, and all the persons so appointed shall thereupon qualify as in this charter provided, and shall take office at the hour of noon on the first Monday after the first day of January, in the year nineteen hundred, and all boards, commissions, and officers of the city and county holding by appointment under existing laws shall hold office no longer than said last aforesaid time.

Beginning and expiration of terms of office.

SEC. 37. The balance remaining in the school fund at the time this charter takes effect shall forthwith be transferred to the common school fund created by this charter. The balance remaining in the library fund at the time this charter takes effect shall forthwith be transferred to the library fund created by this charter. The balance remaining in the park improvement fund at the time this charter takes effect shall forthwith be transferred to the park fund created by this charter. The balance remaining in the unapportioned fee fund at the time this charter takes effect shall forthwith be transferred to the unapportioned fee fund created by this charter. The balance remaining in the police relief and pension fund at the time this charter takes effect shall forthwith be transferred to the police relief and pension fund created by this charter. The balance remaining in the surplus fund at the time this charter takes effect shall forthwith be transferred to the surplus fund created by this charter. The balance remaining in the special deposit fund at the time this charter takes effect shall forthwith be transferred to the special deposit fund created by this charter. The balance remaining in the general fund at the time this charter takes effect, the balance remaining in the street light fund at the time this charter takes effect, the balance remaining in the street department fund at the time this charter takes effect, the balance remaining in the police contingent fund at the time this charter takes effect, the balance remaining in the pound fee fund at the time this charter takes effect, and the balance remaining in the special fee fund at the time this charter takes effect, shall each and every of them be forthwith transferred to the general fund created by this charter. Out of the said general fund shall be paid, as in this section hereinafter provided, all the expenses of the various departments of the city and county, except such expenses as are by this charter to be paid out of the funds specifically provided for the payment of such expenses. For the six months ending on the thirtieth day of June, in the year nineteen hundred, each and every of said departments shall expend the moneys set apart to each of them by the board of supervisors of the existing municipality. So much of said moneys set apart by said board of supervisors to the superintendent of public streets, highways and squares for the fiscal year ending on said thirtieth day of June, in the year nineteen hundred, as shall remain unexpended at the time this charter takes effect, shall be expended during said six months by the board of public works in the operations of the department committed to its charge. All

Balances in the several funds to be transferred.

General fund, payments from.

Payments from other funds.

Special provision for payments from general fund.

"Existing municipality" defined.

Unnecessary funds, to be abolished.

the expenses of the city and county which are not to be paid out of specific funds shall be paid during said six months out of the general fund. Should the moneys set apart by the board of supervisors of the existing municipality to any department of the city and county become or be exhausted at any time during said six months, or should any department created by this charter have no money specifically provided for it during said six months, then in each such case the expenses thereof shall be paid out of the general fund, notwithstanding anything contained in sections six and seven of Chapter I of Article III of this charter. Such pensions as may accrue to firemen under Article IX of this charter during said six months shall be paid out of the general fund. The existing municipality mentioned in this section is the existing municipality of the city and county of San Francisco, and the several funds which are to be transferred as in this section provided are funds of said existing municipality. All the funds of said existing municipality not mentioned in this section, and which are authorized by law, shall be continued in the treasury until the necessity for their continuance ceases.

Sec. 38. When the necessity for maintaining any fund of the city and county in existence at the time this charter takes effect has ceased to exist, and a balance remains in such fund, the supervisors shall so declare by ordinance, and upon such declaration such balance shall be forthwith transferred to the general fund.

## SCHEDULE.

Schedule.

This charter shall be published for twenty days in the San Francisco Call and in the Daily Report, daily newspapers of general circulation in the city and county of San Francisco, and after such publication, viz.: on Thursday, the twenty-sixth day of May, in the year one thousand eight hundred and ninety-eight, it shall be submitted to the qualified electors of said city and county of San Francisco, at a special election which shall be held on that day, for the sole purpose of voting upon the adoption of the same; and if a majority of the qualified electors of said city and county voting at said election shall ratify the same it shall be submitted to the legislature of the state of California for its approval or rejection. If the legislature shall approve the same, it shall take effect and be in force, except as hereinafter otherwise provided, on and after the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and shall thereupon become the charter and organic law of the city and county of San Francisco, and shall supersede the existing charter of said city and county, and all amendments thereof, and all laws inconsistent with this charter.

Charter in force.

The form of ballots at said election shall be as follows: "For the new charter, yes," "For the new charter, no."

For the sole purposes of the election of the officers directed in this charter to be elected by the people, this charter shall



take effect on and after its approval by the legislature, and the election of such officers shall be managed, conducted and controlled by the board of election commissioners in and for said city and county in office at the time of such election.

And for the sole other purpose of the mayor elected under this charter making the appointments provided in this charter to be made by him, and of the qualification of the persons so appointed, this charter shall take effect on the first day of December, in the year one thousand eight hundred and ninety-nine.

BE IT KNOWN, That the city and county of San Francisco, containing a population of more than two hundred thousand inhabitants, on the twenty-seventh day of December, in the year one thousand eight hundred and ninety-seven, and under and in accordance with the provisions of Section 8, of Article XI, of the constitution of this state, did elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city and county; and we, the members of said board, in pursuance of such provisions of the constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed in duplicate, as and for the charter for said city and county of San Francisco.

Proclamation of freeholders.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate, this twenty-fifth day of March, in the year one thousand eight hundred and ninety-eight.

JOSEPH BRITTON, *President*.  
 JEROME A. ANDERSON.  
 JAMES BUTLER.  
 H. N. CLEMENT.  
 A. COMTE, JR.  
 ALFRED CRIDGE.  
 L. R. ELLERT.  
 ISIDOR GUTTE.  
 P. H. McCARTHY.  
 JOHN NIGHTINGALE, JR.  
 JOHN C. NOBMANN.  
 JOSEPH O'CONNOR.  
 LIPPMAN SACHS.  
 EDWARD R. TAYLOR.  
 A. W. THOMPSON.

Attest: J. RICH'D FREUD, *Secretary*.

STATE OF CALIFORNIA, }  
 City and County of San Francisco. } ss.

This is to certify that we, James D. Phelan, mayor of the city and county of San Francisco, and Thomas J. Glynn, county recorder of said city and county, have compared the foregoing proposed and ratified charter with 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.

Certificate of mayor and recorder.

Dated, San Francisco, Cal., December thirtieth, eighteen hundred and ninety-eight.

JAMES D. PHELAN,  
Mayor of the city and county of San Francisco.

THOS. J. GLYNN,  
County recorder of the city and county of San Francisco.

Now, therefore, be it

Legislative  
approval.

*Resolved by the assembly of the state of California, the senate thereof concurring* (a majority of all the members elected to each house voting for and concurring herein), that said charter of the city and county of San Francisco, as presented to, and adopted and ratified by, the qualified electors of said city and county, be and the same is hereby approved as a whole, for and as the charter of said city and county of San Francisco.

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### CHAPTER III.

*Senate Joint Resolution No. 4, relative to the improvement of Humboldt bay.*

[Adopted January 26, 1899.]

Improvement of  
Eureka channel,  
Humboldt bay.

WHEREAS, The United States government has expended a large sum of money in improving the bar at the entrance of Humboldt bay; and

WHEREAS, The result has been to greatly increase the depth of water on said bar sufficient to admit the largest vessels, and has, also, tended to shoal the water in Eureka channel, and particularly at a point where all of the shipping interests on said bay center; now, therefore, be it

*Resolved by the senate and the assembly jointly,* That our senators in Washington be instructed, and our representatives be requested to use all of their efforts to interest the war department in taking immediate action toward dredging such channel, and in securing an appropriation sufficient to properly dredge the same; and be it further

*Resolved,* That a copy of this resolution be forwarded at once by the secretary to each of our senators and representatives.

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### CHAPTER IV.

*Senate Joint Resolution No. 6, relative to the construction of navy yards and ship building.*

[Adopted January 26, 1899.]

WHEREAS, The United States has expended for plants and sites for navy yards and stations, more than one hundred million dollars. The expenditure of this vast amount of

public money was made that the nation might have under its immediate control a number of navy yards and stations conveniently located and properly equipped where it could build, repair, and equip its ships of war. We now have at least three navy yards that are equal to any demand which may be made upon them; one of these is located in California, namely: Mare Island navy yard. Notwithstanding that the nation has its own navy yards fully equipped, the policy pursued by those in charge of the navy department has been to give the building of the navy to private establishments; such a policy is neither wise nor economical, and is directly opposite that followed by all of the great naval powers of the world. England and France never lose sight of the interest of the dock yards of the nation; they keep the dock yards always full of work, even if the private establishments of the country be forced to remain idle. We believe that it is both wise and patriotic to assist the development of private enterprise to the fullest possible degree, having a due regard to the public good. We condemn any policy that will favor private enterprise to the total neglect of the public dock yards of the country, as we would equally oppose the total neglect or discouragement of private enterprise—by having all work required for our navy done in the navy yard. We believe that both should be encouraged and assisted, so that in time of great emergency the country would find it possible to have its work done in either or both places with dispatch. We favor the encouragement and building up of our navy yards because it is the best possible safeguard the country can have against the formation of trusts or combines in ship building; it also will be the means of securing under the control of the navy department a trained corps of mechanics who can be relied upon at all times. England, the greatest naval power in existence, almost entirely relies on her dock yards for the construction of her ships of war. To such a state of perfection has the dock yard system of England been brought, that the board of admiralty can estimate almost to a dollar the cost of the heaviest battleship, and to a day as to the time needed for its construction. She has demonstrated beyond a doubt that the cheapest, quickest and most economical place to have her warships constructed is in her own dock yards. We believe that what England has been able to do in this line, we can do, if the proper encouragement be given; therefore be it

Navy yards  
and ship  
building.

*Resolved by the senate, the assembly concurring,* That our senators in congress be instructed, and our representatives therein be requested and urged to have inserted in the present naval appropriation bill, a provision providing that a fair proportion of the vessels provided for in that bill shall be constructed in the navy yards of the country, and that at least one of them be constructed at the Mare Island navy yard. We also call their attention to the fact that all the ships provided for in the naval appropriation bill for the fiscal

Recom-  
mending  
construc-  
tion of  
vessels at  
Mare  
Island.

year of eighteen hundred and ninety-seven and eighteen hundred and ninety-eight have not yet been contracted for, nor assigned, and we hope that they may use their influence with the navy department to have some portion of them built at Mare Island.

*Resolved*, That the secretary of the senate be requested to immediately transmit to each of said senators and representatives a copy of these resolutions.

## CHAPTER V.

Vallejo  
charter.

*Senate Concurrent Resolution No. 3, approving the charter of the city of Vallejo, a municipal corporation in the county of Solano, state of California, voted for and ratified by the qualified electors of said city, at a special election held therein for this purpose, on the 21st day of March, 1898.*

[Adopted January 26, 1899.]

Approval  
by legisla-  
ture.

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 the charter of the city of Vallejo, 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 Vallejo aforesaid.

Preamble.

WHEREAS, The city of Vallejo, a municipal corporation, in the county of Solano, 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

WHEREAS, At a special municipal election, duly held in said city on Monday, March twenty-first, eighteen hundred and ninety-eight, 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 June seventeenth, eighteen hundred and ninety-eight, 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 president of the board of city trustees of said city, and the other to the county recorder of Solano county; and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city of Vallejo, to wit: "The Vallejo Morning Times," for more than twenty days, such publication in each instance having commenced on said July ninth, eighteen hundred and ninety-eight; 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 Vallejo, to wit, the president and board of city trustees thereof, to the qualified electors of said city at a special election previously duly called, and thereafter held therein, on December eighth, eighteen hundred and ninety-eight; and

WHEREAS, The returns of said election were duly canvassed by said president and board of city trustees of said city of Vallejo at a meeting held on Friday, December ninth, eighteen hundred and ninety-eight (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 president and board of city trustees, 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:

## ARTICLE I.

### BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing and known as the city of Vallejo shall remain and continue a body politic and corporate, in name and in fact, by the name of the city of Vallejo, and by that name shall have perpetual succession; may sue and defend in, all courts and places and in all matters and proceedings whatever; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy real and personal property within and without its boundaries, and all ditches, rights of way, reservoirs, water rights, and property of every description necessary or convenient to supply said city with water, and for proper sewerage and drainage of the city; receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; and shall have the right to construct, own and maintain docks, wharves, piers, and slips, and to collect tolls thereon; and to own and manage its own system of lighting the city.

Corporate rights.

SEC. 2. The said corporation shall be vested with the control and management of all property, real and personal, of every

Corporate  
rights.

name and nature and description, now owned, controlled, or managed by the board of education of the township of Vallejo, or by the high school board of said township, lying within the limits of the city of Vallejo, or of any property that may hereafter be secured by said city, or the board of education, for school purposes; *provided*, that nothing in this section shall ever be construed as depriving any child, of proper school age, residing in the township of Vallejo, of the right to attend said schools. And for the purpose of more fully carrying out the full intention of this section, the board of supervisors of Solano county shall annex to the school district of the city of Vallejo, for school purposes only, all the territory lying outside of said school district of Vallejo, and comprised within the township of Vallejo; *provided further*, that no school district now organized and supported as such under the law of the state of California shall be annexed, unless on application of a majority of the heads of families residing in said district, as shown on the last report of the school census marshal of the district, and said application must be presented by petition to the board of supervisors of Solano county; and whenever such petition is presented in proper form to said board, they shall annex such school district to the school district of the city of Vallejo, for school purposes only.

Corporate  
limits.

SEC. 3. 1. The corporate limits of the city of Vallejo shall be as follows: Commencing at a point where Magazine street intersects with the water front, thence along the south side of Magazine street to the east side of Sixth street, thence along Sixth street to the south side of Benicia avenue, thence along Benicia avenue to the east side of Ninth street, thence along Ninth street to Solano avenue, thence running northerly along Contra Costa street, until the same meets the northern line of section eighteen in township three north, range three west, of Mount Diablo meridian, thence west along the United States section line to a point in the bay of San Pablo one half of a mile distant from the general western shore-line of Mare Island and the salt marsh, thence southerly in a line parallel with said shore-line to the center of the straits of Carquinez, and following up the center of the straits of Carquinez to a point due south of the point of beginning, and thence in a straight line to the point of beginning.

The streets and avenues herein mentioned have reference to the map of the city of Vallejo drawn by E. H. Rowe, in the year eighteen hundred and sixty-eight, and now on file for record in the office of the county recorder of Solano county.

Ward  
bound-  
aries.

2. The city shall be and is hereby divided into three wards, the respective boundaries of which shall be as follows, to wit:

First Ward—All that portion of the city lying north of the center line of Virginia street.

Second Ward—All that portion of the city lying between the center line of Virginia street and the center line of Solano avenue.

Third Ward—All that portion of the city lying south of Solano avenue.

Said boundaries shall remain as above described until the board of trustees shall, by ordinance, change the same; *provided*, that the boundaries of wards shall not be changed often than every five years.

SEC. 4. The city of Vallejo shall continue, under this charter, to have, hold, and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality, and is hereby declared to be the successor of the same; and suits, actions, and proceedings may be brought in the name of the city for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, the city, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions, and proceedings, in the courts or elsewhere, to which the city is a party, shall continue to be carried on by or against the city.

Corporate  
rights.

SEC. 5. Except on such streets as have been accepted, no recourse shall be had against the city for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court, or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court, or place, or by want of repair of any sewer; nor shall there be any recourse against the city for damage to person suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court, or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street, or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained.

Liability  
for dam-  
ages or  
injuries.

## ARTICLE II.

### EXECUTIVE DEPARTMENT.

SEC. 6. The following-named officers are herein provided for, and they shall be elected or appointed, as in this charter provided: A mayor; a board of city trustees, to consist of five members; a board of school directors, to consist of five members; a board of free library trustees, which shall consist of five members; a board of public works, to consist of three members; a board of health, to consist of five members; a city clerk, who shall be clerk to the commissioners of public works, and water rent collector; a treasurer, who shall be ex officio tax collector and license tax collector; a city engineer; a city attor-

Officers of  
the city.

ney; an auditor, who shall be ex officio assessor; a superintendent of the water department, who shall be ex officio superintendent of streets; a deputy superintendent of the water department; a chief of police; a chief engineer of the fire department.

### ARTICLE III.

#### LEGISLATIVE DEPARTMENT—THE BOARD OF CITY TRUSTEES.

**Board of trustees.** SEC. 7. The legislative power of the city of Vallejo shall be vested in a legislative body, which shall be designated the board of city trustees.

**Members.** SEC. 8. The board of city trustees shall consist of five members, whose term of office shall be four years. Two members shall be nominated from the first ward, two members from the second ward, and one member from the third ward, and they shall be elected at large. Each one must be at the time of his nomination an elector of the city, and must have been such for at least three years next preceding his election, and must be a bona fide resident of the ward from which he is nominated, and have been such for at least six months next preceding his election.

**President.** SEC. 9. The board of city trustees shall, upon holding their first meeting under this charter, elect a president from their own number, who shall preside at all meetings of the board in the absence of the mayor.

**Quorum.** SEC. 10. A majority of all the members of the board shall constitute a quorum, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

**Rules.** SEC. 11. The board shall establish rules for its proceedings and have authority to punish its members for disorderly or contemptuous behavior in its presence.

**Meetings to be public.** All meetings of the board shall be public, and a journal of its proceedings shall be kept by the city clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, passage of any ordinance, or resolution ordering work to be done, supplies furnished, the ordering of assessments for street improvements, or building of sewers, and in all other cases upon the call of any member; all balloting for officers or confirmation of appointments must be by viva voce.

**Time of meetings.** SEC. 12. The board shall meet on the first and third Wednesdays of each month, or if that day be a legal holiday, then on the next day. The board shall not adjourn to any other place than its regular place of meeting, except in case of great necessity or emergency. The first meeting of each board shall be held on the first Monday in April of the year in which they were elected.

SEC. 13. The clerk of the board, when required to do so, shall administer oaths and affirmations without charge, in all mat-



ters pertaining to the affairs of his office, and shall perform such other services as may be prescribed by the board or this charter. He shall have the custody of the seal, and of all leases, grants, and other documents, records, and papers of the city. His signature shall be necessary to all leases, grants, and conveyances of the city.

Clerk's  
duty.

SEC. 14. The board of city trustees may from time to time appoint, out of their own body, such and so many committees, either of a special or general nature, and consisting of such a number of persons, as they think fit for any purposes, which, in the opinion of the trustees, would be better regulated or managed by means of such committees; but the acts of every such committee shall be submitted to the trustees for approval. Whenever any matter is referred to a committee for investigation or action, said committee shall meet and give the matter such attention as it may require, but no committee shall have power to make any purchase or incur any indebtedness in the name of the city, without first having reported to the board, in regular or special session, the result of their investigation, when the board shall take such action on their report as they may think proper. The board shall not recognize any report that is not made in writing and signed by at least a majority of the members of the committee except such report be made as a minority report; and no committee shall expend more or incur any greater indebtedness than they were authorized to by a vote of the board, without having first obtained the consent of the board. All indebtedness incurred contrary to this provision shall be forever void. Standing orders may be made by the trustees regarding the proceedings and reports of the committees.

Trustees  
may ap-  
point com-  
mittees.

Powers,  
etc.

SEC. 15. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance shall be in these words: "Be it ordained by the people of the city of Vallejo as follows." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

Ordi-  
nances.

SEC. 16. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all members of the board and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the journal and approved by the mayor.

Same.

SEC. 17. No ordinance shall be revised, reënacted or amended by reference to its title; but the ordinance to be revised or reënacted, or the section thereof amended, shall be reënacted at length as revised or amended.

Same.

SEC. 18. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

Same.

SEC. 19. When a bill is put upon its final passage in the board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the

Same.

Franchises.

expiration of twenty-four hours after adjournment. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Every ordinance shall, after amendment, be laid over for one week before its final passage.

Publication of ordinances.

SEC. 20. Every bill or resolution providing for any specific improvement, or the granting of any franchise or privilege, or involving a lease, appropriation, or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, or levying any tax or assessment, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in one newspaper, with the ayes and noes, for at least five consecutive days (Sundays and legal holidays excepted), before final action upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before the action thereon. But in cases of great necessity the officers and heads of departments may expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

Urgent expenditures.

In effect.

SEC. 21. No ordinance shall take effect until ten days after its passage, unless otherwise provided in such ordinance.

Record.

SEC. 22. All ordinances and resolutions shall be deposited with the clerk of the board, who shall record the same at length in a suitable book.

Repeal of ordinances.

SEC. 23. No ordinance shall be repealed, except by ordinance adopted in the manner hereinbefore set out.

Approval of demands.

SEC. 24. Except as provided in this charter, all demands payable out of the treasury must, before they can be approved by the auditor, or paid by the treasurer, be first approved by the board of trustees.

Records open to examination.

SEC. 25. All books, papers, vouchers, franchises, contracts, bonds, and public documents of every name and description, belonging to the board or any officer of the city, shall be open for the inspection of the public during business hours, and no member of the board, clerk, or any elective officer or employé of the city, shall remove, or allow any one to remove from the office where it properly belongs, any book, paper, voucher, franchise, contract, bond, or other public document of any name or description belonging to the board or any officer of the city, except on the order of a legally organized court, or by order of the board when required for examination or investigation; any violation of this section shall constitute a misdemeanor, and each officer is charged with a knowledge of all books, papers, and documents, whatsoever, placed in his official charge.

Ordinance by petition.

SEC. 26. Whenever there shall be presented to the board of election commissioners a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or city, county, state and county, or city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city, the

board of election commissioners must submit such proposed ordinance to the vote of the electors at the next election.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, and occupation. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The tickets used in such election shall contain the words, "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance).

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of election commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the trustees, and the same shall not be repealed by the trustees. But the trustees may submit a proposition for the repeal of such ordinance, or for amendments thereto, for vote at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Ordinance  
valid if  
adopted by  
majority  
vote.

Sec. 27. The mayor shall preside at all meetings of the board, but shall not have the right to vote.

Mayor,  
no vote.

Ordinances and resolutions are the formal acts of the board 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 board and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the mayor.

Ordinances,  
etc., de-  
fined.

In case of orders the approval 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 certified to by the president of the board, and the city clerk, and shall 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 in writing. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill he shall state his objections thereto in writing. If the resolution or ordinance is not returned with such approval or disapproval within the time specified, it shall take the same effect as if he had approved the same; *provided*, that when any ordinance or resolution be referred to the mayor for his approval, within ten days of the end of any term, if he fails to return the same to the board, with his approval or disapproval, within five days after he has received the same, it shall become a law as though he had approved it.

Must be  
approved  
by mayor.

## ARTICLE IV.

## POWERS AND DUTIES OF THE TRUSTEES.

Board of  
trustees,  
powers  
and duties.

SEC. 23. Subject to the provisions, limitations, and restrictions in this charter contained, the board of trustees shall have the power:

1. To manage and control the finances of the city.
2. To sell, use, lease, control, improve, and take care of the real estate and personal property; *provided, however,* that said board shall have no power to hypothecate any property of said city, for any purpose whatever; *be it further provided,* that nothing in this charter shall authorize, warrant, or empower said board to ever sell, lease, or assign, convey, mortgage, or hypothecate any part of, or interest in, the water system, or any property belonging thereto, or any rents or income therefrom now belonging to the city of Vallejo or that may hereafter be acquired by said city, but the board of city trustees may rent, from year to year, such lands in Green and Wild Horse valleys as they may think proper and that will not endanger the safety, supply, or quality of the water required for public use.
3. To make and enforce within the limits of the city all necessary local, police, sanitary, and other laws and regulations.
4. Except as otherwise provided in this charter, or in the constitution of the state of California, to regulate and control, for any and every purpose, the use of the streets, highways, wharves, piers, chutes, public thoroughfares, public places, alleys, and sidewalks of the city.
5. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of a street or adjoining land, for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public.
6. To fix the limits within which wooden buildings or structures shall not be erected, placed, or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension.
7. To provide for the draining, grading, paving, improvement and repairs of streets and alleys, and the construction of sidewalks, drains, and sewers therein, and keeping the same in repair, and the cleaning of the streets, drains, and sewers, and the prevention and removal of obstructions on the sidewalks, and on all streets, alleys, and public grounds of the city.
8. To provide for lighting, watering, and cleaning the streets of the city. No contract for lighting the streets, public buildings, places, or offices, shall be made for a longer period than one year, nor shall any contract be made to pay for gas, elec-

tric lights, or any other illuminating material at a higher rate than is charged to any other consumer; and every person or corporation furnishing the city with any kind of light from gas, electric or any other illuminating power or substance for lighting the streets, or public offices or buildings, shall be required to furnish the city with the full power and quality of illumination which they are by their contract obliged to furnish. The auditor shall audit no bill for lighting the streets, offices, or public buildings, unless said bill is accompanied by the affidavit of the owner (if it be a private enterprise), or the president of the company (if it be a corporation), setting forth that all the provisions of the contract or agreement have been fully and unequivocally complied with, and it shall be the duty of the mayor to have the power or strength of said illuminating substance tested as often as in his judgment the interests of the city shall require it; and if it be shown that the gas lamps, or electric lights, or any other illuminating substances have not been furnishing to the city the candle-power stipulated in said contract, the board of city trustees shall declare the contract forfeited and shall impose such other penalty as in their judgment may seem proper.

Board of trustees, powers and duties.

9. The trustees may, on the written recommendation of the commissioners of public works, change the grade of any street or street crossing in the manner and to the grade set out in such recommendation; but no grade shall be changed unless proceedings are taken by way of providing compensation to those who may suffer damages by such change of grade, and all such proceedings shall be taken in conformity with the provision of the general law of the state or this charter provided, for the making of such improvements; *provided*, that the grade heretofore adopted by the board of trustees shall be and is hereby established as the grade of the streets and alleys of said city.

10. To require any lands or buildings to be cleaned at the expense of the owner or occupant, and upon his default may do the work and assess the expense upon the land or building.

11. To regulate the police department.

12. To establish and regulate a fire department.

13. To regulate the keeping and use of animals; and the keeping and use of gunpowder and other dangerous substances.

14. To suppress gaming, gambling houses, and other disorderly houses, nuisances of every description, and all kinds of vice and immorality.

15. To prohibit the burial of the dead in the city, except at such places and in such manner as the board may determine, and to authorize the disinterment and the removal of any remains temporarily interred within the city limits; *provided*, the same shall be decently re-interred.

16. To prevent or restrain any riot or disorderly assemblages in any street, alley, or place in the city.

17. To remove from the immediate vicinity of the inhabited parts of the city all slaughter-houses, hog-pens, hay-stacks, brick-kilns, cattle-yards, and dairies.

Board of  
trustees,  
powers  
and duties.

18. To construct, repair, manage, and maintain ditches, reservoirs, aqueducts, and all works necessary in the distribution of water; may levy and collect water rates and taxes on real and personal property.

19. The trustees shall fix by ordinance on the first Monday of September of each year the rate of taxation upon all real and personal property.

20. To condemn and prevent the occupancy of unsafe buildings or structures.

21. To regulate and license the use of hackney carriages and public passenger vehicles, and to fix the rates to be charged for the transportation of persons and personal baggage.

22. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and disposition of the same.

23. To purchase or acquire by condemnation such property as may be needed for public use.

24. Except as otherwise provided in this charter, to acquire, regulate, and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the city, and to acquire, regulate, and control any and all appliances for the sprinkling and cleaning of streets within the city, and for flushing the sewers.

25. The trustees shall fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by the city of any person, company, or corporation in the city, for tolls, wharfage, ferriage, or the use of water, heat, light, or power, supplied to the city, or to the inhabitants thereof, and to prescribe the quality of the service.

26. To impose license taxes and to provide for the collection thereof.

27. To prescribe and appropriate fines, forfeitures, and penalties for the breach of any ordinance; but no penalty shall exceed the amount of five hundred dollars or sixty days' imprisonment, or both such fine and imprisonment.

28. To fix the fees and charges for all official services not otherwise provided for in this charter.

29. To allow not to exceed two hundred and fifty dollars in any year for the celebration of the anniversary of our national independence.

30. To appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals, and to authorize the payment of the same, or some part thereof, to any society that shall efficiently aid in such convictions.

31. To provide a seal for the city, and seals for the several departments, boards, and officers thereof.

32. To fix the hours of labor or service required of all laborers in the service of the city, and to fix their compensation; *provided*, that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be two dollars a day.

33. To construct, or permit the construction of, tunnels, under such rules and regulations as the board may prescribe. Board of trustees, powers, and duties.

34. To construct, maintain, regulate, and repair bridges, wharves, docks, piers, chutes, slips, ferries, and public places, and provide for their construction, maintenance, regulation, and repair.

35. To fix, regulate, and collect tolls, wharfage, and dockage.

36. To regulate the running, moving, and anchorage of steamboats, vessels, rafts, and other craft, other than those belonging to the federal government, within the waters of the city, and to prevent obstruction to the free navigation of such waters.

37. To regulate street railroads, tracks and cars; to compel the owners of two or more such roads using the same street for any distance to use the same tracks and to equitably divide the cost of construction and expense of maintenance thereof between the owners; to fix, establish, and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger and inconvenience in the operation of such road.

38. To allow any railroad to enter the city with its roads and run its cars to the water front at the most suitable point for public convenience. Every ordinance granting such right shall be upon the condition that said company shall pave and keep in repair the street within their tracks and two feet on each side thereof, in such a manner and with such material as may from time to time be prescribed by the trustees, and that such company shall allow any other company to use in common with it the same track or tracks, each paying an equal portion for the construction and repair of the tracks and appurtenances used by such railway jointly.

39. The trustees shall have no power to grant franchises or privileges for the construction and maintenance of bridges, wharves, docks, or piers, or for the operation of ferries, or for the erection of poles or wires for transmitting electric power, or for lighting purposes along or upon any public street or highway of the city, except upon all the conditions and in the manner prescribed by the general law of the state. The board shall at all times have the right to regulate the charges of any person, company, or corporation using, enjoying, or possessing such franchise or privilege; and must expressly provide that the franchise shall not be renewed or regranted; and that the whole of the stationary fixtures and improvements upon the public streets and highways of the city shall, upon the expiration or abandonment of the franchise, become the property of the city. No franchise shall be granted for the construction and maintenance of any wharf, or for the operation of any ferry for a period exceeding twenty years.

40. When, on the expiration of any franchise, it shall be deemed inexpedient by the board to use any of the property reverting to it by reason of such expiration in the operation of such franchise, then the board shall have the power to lease such property to any person, company, or corporation after the

Board of  
trustees,  
powers  
and duties.

notice, on the terms, and in the manner above provided as to the granting of franchises, as far as the same may be applicable. But no ordinance authorizing such lease shall be passed prior to ninety days next preceding the expiration of such franchise; *provided*, that such lease shall not be for a longer term than ten years.

41. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

42. The board of trustees may provide in the tax levy for the collection of a sum not greater than five hundred dollars, which sum shall be placed in a separate fund to be known as the "emergency street repair fund," and no greater amount shall be expended by the city in any one year for, or on the repair of, the unaccepted streets of the city, than is provided for in such fund.

43. To appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city, for the purpose of erecting or maintaining a building or buildings thereon, to be used for the public library and reading-rooms, and may appropriate the whole or any portion of any public building belonging to the city for such use.

44. To regulate the entrances to and the exits from theaters, lecture-rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

45. The board of trustees shall establish a general fund, and may also, before fixing the rate of the annual city tax, by ordinance establish such special and separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditure, as may be necessary; which special funds shall not be diverted to any other purpose than to that for which they have been specifically created, except of balances in excess, at the end of the fiscal year, and except also for the payment of the interest and principal of the water bonds; *provided*, that when any money shall have been transferred to the water fund it shall be paid back to the same fund from which it was transferred before any money is expended from the water fund for any purpose whatever.

46. The board shall, during the first year after organization under this charter, and every three years thereafter, cause all ordinances then in force to be classified under proper heads, and shall provide for the publication of the same, together with this charter in book form, and properly indexed.

47. No member of the board of trustees or any other board, nor any officer elected or appointed, or employé of the city, shall be or become directly or indirectly interested in or with the performance of any contract, furnishing of any supplies, work or business, or in the sale of any article, the expense, price, or consideration of which is payable from the city treasury, or in the purchase or lease of any real estate or property



belonging to or taken by the city, or which shall be sold for taxes or assessment or by virtue of legal process at the suit of the city. Any member of the board of trustees or of any other board, officer or employé of the city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city, while he is such member, officer or employé, unless the same shall devolve upon him by law, shall forfeit his office and be forever disqualified from holding any position in the service of the city, and all contracts, or rights, or franchises granted in violation of this section shall be absolutely void.

Board of trustees, powers and duties.

48. The board of trustees shall appoint from its members a committee consisting of three to be denominated "finance committee," and shall fill all vacancies in the committee. The committee shall investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths and affirmations, and to examine witnesses, and compel their attendance before them by subpoena. The committee may at any time visit any of the public offices and make its examinations and investigations therein without hindrance.

Finance committee. Duties.

The finance committee and the mayor shall at least once a month count the money in the city treasury and report their findings to the board of trustees.

The committee must, at least once in every six months, examine the official bonds of all city officers, and investigate the efficiency and solvency of the sureties thereon, and report in writing the fact to the mayor. Such reports shall specify each bond with the sureties, and the amounts for which each surety is bound, and state whether or not they are sufficient and solvent. Upon such report the mayor shall take such action as shall be necessary to protect the city, and may require new bonds when necessary, and he may suspend any officer until a sufficient bond is filed and approved.

The finance committee shall have the power and it shall be its duty to examine the records and expert the books and accounts of all persons, companies, or corporations that are required to pay a portion of their gross receipts into the treasury; and shall likewise, as an aid to the fixing of rates for the furnishing water and light to the city and to the inhabitants thereof, have like power, and it shall be its duty to examine the records, and examine and expert the books of account of any and all persons, companies, or corporations so furnishing water and light.

In the exercise of its functions the concurrence of two members of the committee shall be deemed sufficient. The committee shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If, from the examination made by the committee, it shall appear that a misdemeanor in office, or a defal-

Board of trustees, powers and duties.

cation has been committed by any officer or employé of the city, the committee shall immediately report to the mayor, who shall take such proceedings against such officer or employé as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the process and orders of the committee.

49. All claims for damage against the city must be presented to the board of trustees and filed with the clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise, there shall be no recovery on any such claim.

50. To make by-laws and ordinances not repugnant to the constitution of the United States, of this state, or the provisions of this charter.

51. To do and perform all other acts and things required by law or this charter not herein enumerated.

## ARTICLE V.

### FRANCHISES.

Franchises

SEC. 29. No exclusive franchise or privilege shall be granted by the trustees; and every grant of a franchise shall be subject to the right of the board of trustees at any time thereafter to repeal, change, or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the board of trustees to repeal, amend, or modify such ordinance.

What ordinance shall contain.

Procedure, granting of franchise.

SEC. 30. When an application is made for a franchise or privilege, by any person, company, or corporation, to the board of city trustees, said application must be accompanied by a sum sufficient to defray the preliminary expenses thereof.

Upon the receipt of such application the board shall consider the necessity of such franchise or privilege; if it decides that such franchise or grant is a public necessity, or that it may be a public benefit, they shall, by resolution, advertise the fact that an application for such franchise or privilege has been made to the board of trustees, together with a statement that it is proposed to grant the same, must first be advertised in one newspaper of said city. 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 (Sundays and legal holidays not included), and thirty full days must elapse after the date of such advertisement before the board shall take any further action on the matter.

The advertisement must state the character of the franchise or privilege proposed to be granted, the term of its continuance, that sealed bids or tenders will be received up to a certain hour on a day named therein, and the 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.

Procedure  
granting  
franchise.

Every proposal submitted shall contain a check payable to the mayor of the city, certified by a responsible bank, equal in amount to that named by the board of trustees in the advertisement calling for said bids.

The board of trustees must grant the franchise to the highest bidder; *provided*, that nothing in this section shall prevent the board of trustees from rejecting any or all bids whenever they may think that it would be for the best interests of the city to do so.

On the opening of said bids the board shall order all checks returned to the proper parties, except the check of the highest bidder, which shall be retained until the bond is filed with the clerk of the board of trustees with two good and sufficient sureties, to be approved by the board of trustees, in the penal amount as 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; such bond must be filed with the clerk of the board within twenty days after the award of said franchise. Should said highest bidder fail to file the required bond in the stipulated time the board must order the check forfeited to the city; when the bond is furnished within the required time, the check shall be returned to the party furnishing the same.

SEC. 31. No franchise can be surrendered without the consent of the board of trustees; *provided*, that on the application of the mayor or a majority of the board of trustees it shall be the duty of the attorney-general to sue for a forfeiture of any franchise granted when it is alleged by them in such suit, non-compliance with the terms of such franchise or privilege.

Surrender  
of fran-  
chise.

Any member of the board of trustees who by his vote violates, or attempts to violate the provisions of this article, 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 a trial and conviction.

Penalty for  
violation.

SEC. 32. No person, company, or corporation shall ever collect tolls or charges on any wharf, pier, or slip, extending out of the city of Vallejo, except they have first received from the city, in the manner set forth and prescribed in this article, a franchise or privilege granting them the right to collect tolls and charges on such wharf, pier, or slip.

Wharfage,  
etc.

SEC. 33. All franchises or privileges granted or awarded from which a per centum of the gross annual earnings of the person, company, or corporation is required to be paid to the city, shall contain a provision that said person, company, or corporation shall keep a correct account of all earnings of such person, company, or corporation, arising from the use, operation or possession of the same, in a set of books kept for that purpose, and said books shall be at all times open and subject to

Percentage  
of gross  
earnings.

the inspection of any agent of the city appointed or empowered by said city to make an inspection of said books and accounts.

Franchises  
not exer-  
cised, for-  
feited.

SEC. 34. All franchises or privileges now existing, or that may hereafter be awarded, shall be declared forfeited whenever it is shown that they have not been in use for a period of six months, except the person, company, or corporation to whom the same has been awarded, shall obtain from the board of trustees an extension of the time; *provided*, that no more than one extension shall be in any case granted; and said extension shall not be for a longer period than six months.

Franchise  
in force.

SEC. 35. Any ordinance granting a franchise, or authorizing a lease under the provisions of subdivision forty of section twenty-eight of this charter shall be in force from and after the expiration of thirty days from the date of its passage by the trustees, unless within said thirty days a petition signed by a number of the electors of the city equal to fifteen per centum of the votes cast at the last preceding election shall have been filed with the trustees, asking that said ordinance be submitted to the vote of the people. In such cases said ordinance shall be submitted at the next election to the vote of the electors of the city, and unless said ordinance shall at said election receive in its favor a majority of all the votes cast thereon it shall have no force or effect for any purpose. If a majority of the votes be in favor of such ordinance, the board of election commissioners shall, on the conclusion of the canvass of the vote thereon, proclaim such fact, and upon such proclamation said ordinance shall have full force and effect as of the date aforesaid. Said petition and submission shall be made in accordance with the provisions of section twenty-six of this charter.

## ARTICLE VI.

### POWERS AND DUTIES OF OFFICERS.

#### *Mayor.*

Mayor,  
powers  
and duties.

SEC. 35. The chief executive officer of the city of Vallejo 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 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 board of trustees 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 board of trustees 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 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.

Mayor,  
powers  
and duties.

SEC. 36. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults.

SEC. 37. The mayor, with the consent of the board of trustees, 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 in their respective offices.

SEC. 38. 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 and corporations failing to fulfill their agreements and 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 board of trustees, for a dereliction, neglect, or non-performance of duty, and shall immediately, in writing, report the same to the board of trustees; after a hearing, if the board of trustees approve 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 board of trustees. It shall be the duty of every officer and person in the employ 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 to do so shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 39. The mayor may, in writing, call special meetings of the board of trustees; the call shall state the object of the meeting, and no business other than that stated therein shall be transacted.

#### *Treasurer and Tax Collector.*

SEC. 40. The Treasurer shall have been a citizen of the state and a resident and qualified elector of the city for at

Treasurer,  
duties.

least five years next before his election; it shall be his duty to receive and keep all moneys that shall come to the city, by taxation or otherwise, and to pay the same out, on demands legally audited, in the manner provided for in this charter, and without such auditing he shall disburse no public money whatever, except the principal and interest on the public debt, when payable; he shall keep an accurate account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; he shall make a monthly statement to the board of trustees of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter, or ordinance of said city.

As soon as suitable vaults and safes are provided, the treasurer shall keep therein all moneys belonging to the city, and all public documents; he shall not thereafter, under any circumstances, deposit with or loan to, any person, corporation, or bank, any of the money of the city, or allow the same, except in payment of demands against the city, to pass out of his custody.

Tax and  
license col-  
lector,  
duties.

SEC. 41. The tax collector and license collector, as provided in this charter, is also the city treasurer. It shall be his duty to receive and collect all city taxes, general and special; he shall also collect all city licenses, harbor dues, and cemetery receipts, and such other branches of the city revenue, not otherwise herein provided for, as the board may direct; he shall keep proper books, showing all moneys collected by him as tax collector, and also a book which shall contain a record of every deed given by, or on behalf of, the city for real estate sold for delinquent taxes or assessment, which book shall be properly indexed and shall be at all suitable times subject to public inspection; and do and perform such other duties as may be required of him by this charter or ordinance of the city. He shall pay all moneys collected by him as tax collector into the city treasury daily. The time and manner of collecting all city licenses shall be provided for by the board of city trustees.

#### *City Attorney.*

City attor-  
ney, duties.

SEC. 42. There shall be an attorney and counselor of the city of Vallejo, who shall be styled city attorney, who shall hold office for two years and until his successor is elected and qualified. He shall have been an elector of the city at least two years preceding his election and duly admitted to practice by the supreme court of the state of California; and shall have actually been engaged in the practice of his profession for a period of at least five years next before his election.

SEC. 43. It shall be his duty to prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, the city trustees shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He shall be in attendance at every regular meeting of the board of city trustees, and shall give his advice or opinion in writing whenever required by the city trustees, board of education, or other city officers. He shall be the legal adviser of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall when required by the board of trustees or any member thereof draft any and all proposed ordinances for the city and amendments thereto; and shall do and perform all such things touching his office as the city trustees may require of him, and shall, at the expiration of his term, surrender all books, papers, and documents pertaining to the city's business, over to his successor.

*City Engineer.*

SEC. 44. The city engineer shall be appointed by the mayor and his appointment confirmed by the trustees; he shall have been a citizen of the state and a resident and qualified elector of the city at least two years next before his appointment, and shall hold office for two years and until his successor is appointed and qualified. City engineer, duties.

SEC. 45. He shall in addition to other duties imposed upon him by this charter or by ordinance of the city trustees make all surveys, inspections, and estimates required by the commissioners of public works; he shall when requested to do so by the commissioners of public works examine all public work done under contract, and report thereon in writing to the board; he shall, on application of any person owning or interested in real property in said city, for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him or under his direction or control during his term of office for the city, shall be the property of the city and shall be turned over to the commissioners of public works.

*City Clerk.*

SEC. 46. The city clerk shall have been a citizen of the state and a resident and qualified elector of the city for at least two years next before his election, and shall hold office for two years and until his successor is elected and qualified. City clerk, duties.

SEC. 47. The city clerk shall have the custody and shall be responsible for the corporate seal and all books, papers, records and archives belonging to the city not in actual use by other officers or otherwise by special provision committed to their custody. He shall be present at each meeting of the board of trustees during its session, and keep a journal of all proceedings. He shall keep separate books, in which respectively he shall record all ordinances and contracts and official bonds; he shall keep all his books properly indexed and open to public inspection when not in actual use; he shall make out, sign and deliver to the city license collector all licenses other than building permits. He shall file all claims and demands against the city (*provided*, each claim shall be verified), except

City clerk,  
duties.

bonds, coupons for interest, claims payable from the school fund or from funds not controlled by the city trustees; each claim so filed shall specify in detail the goods purchased, the services rendered, or other basis of claim, and by what authority the goods were furnished, or the services performed, giving date and amount of claim. After allowance by the city trustees and after the adjournment of each meeting the city clerk shall immediately prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payees named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said list shall be countersigned by the mayor, and thereafter said clerk shall deliver to and leave with the auditor one of said lists, and shall deliver to and leave with the treasurer the other list.

SEC. 48. He shall preserve and file all accounts acted upon by the board of city trustees. He shall authenticate with his signature and seal of the board all proceedings whenever such proceedings be ordered published. He shall authenticate with his signature and seal all ordinances or laws passed by the board. He shall record the vote of each member on any question upon which there is a division, or at the request of any member present, and perform such other duties as are or shall be imposed by this charter, or by ordinance. He shall make no charge for taking affidavits or administering oaths in matters relating to the business of the city.

*City Auditor and Assessor.*

City audit-  
or and  
assessor,  
duties.

SEC. 49. There shall be a city auditor, who shall be ex officio city assessor, and who shall be elected by the qualified voters of the entire city, at each general municipal election. He shall have been a resident of the state and a resident and qualified elector of the city for at least five years next before his election; as assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation; as auditor he shall number and keep a record of all demands approved by him, showing the date of approval, amount, and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be continually acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the written order of the city treasurer directing him to issue a receipt for money paid into the city treasury, charge the city treasurer with the amount received by him and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public moneys at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of



such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and receipts for water rates. He shall, on the first Monday of each month, or oftener if required, report in writing to the mayor, and likewise to the board of trustees, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth, in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenues were derived, and how expended. He shall draw and sign all warrants upon the treasury, except as otherwise in this charter provided.

City auditor  
or and  
assessor,  
duties.

SEC. 50. Every demand must, before it can be paid, be verified by the oath of the claimant, or some one in his behalf, and be presented to the auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so, out of what fund, and that there is sufficient money in such fund with which to pay the same; after such examination he shall approve or reject the claim, in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof; if it is approved, the fund out of which it is to be paid is to be designated. If it is rejected or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the auditor shall return it to the board or other body which originally authorized it, together with his reasons for rejecting it; then, if it is allowed by a majority vote of all the members of the board or other body authorizing it, and approved by the mayor, it shall be audited in the same manner as if it had not been rejected; *provided*, the same board or other body had the authority to make the expenditure out of which the claim arose. No demand upon the treasury shall be considered, presented for action, or acted upon, allowed, or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn, in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or other person, or any of his assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as it is, or may be, required by law; nor in favor of any officer or other person or his assigns who has neglected to make any oath required by law, or ordinance or other regulation of the board of trustees; nor in favor of

City audit-  
or and  
assessor,  
duties.

any officer or his assigns who has failed, to the knowledge of the auditor, to do any duty imposed upon him by law, or ordinance or other regulation of the board of trustees.

The auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business without charge, and shall perform such other duties as are imposed upon him by law or this charter.

SEC. 51. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, and the amount of monthly salary or wages received by each, opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to the public inspection.

SEC. 52. It shall be the duty of the assessor to prepare, on or before the first Monday in May of each year, or at such other time as may be directed by ordinance, and to present to the board of trustees, with his certificate of its correctness, a list of all the real and personal property within the city, taxable for state and county purposes, with a true valuation thereof, which said assessment list shall conform, as nearly as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the county assessor for state and county purposes; to be present at the sessions of all boards of equalization mentioned in this charter, to furnish to said boards such information as may be required and to perform such other acts or services in reference to the assessment of property in the city, or otherwise appertaining to his office, as the board shall require or direct. During the session of the board of equalization the assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to said list any property in the city not previously assessed.

He shall make, or procure to be made, all necessary abstracts to be used in making up the assessment of property within the city, and after the taxes have been duly levied by the board of trustees, he shall make the proper calculations and extend upon the assessment book the amount of taxes due from each person, firm, or corporation, and deliver said book to said board so completed, on or before the second Monday in May of each year, or such other time as may be directed by ordinance; and at the expiration of his term of office he shall deliver to his successor in office all maps, plats, descriptions of property, and all other things appertaining to his said office.

In the assessment and listing of property, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon the county assessors.

## ARTICLE VII.

### BONDS AND SALARIES.

#### *Bonds.*

SEC. 53. 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 ordinance, or this charter; when the amount of any bond is not fixed by ordinance, or this charter, and when power to fix the same is not herein conferred, it shall be fixed by ordinance; all bonds shall be approved by the mayor and filed with the city 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 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 securities as hereinafter provided.

Official bonds.

SEC. 54. The following officers shall respectively execute to the city of Vallejo official bonds, with sureties in the following sums, viz.:

Amount.

Mayor .....	\$5,000 00
Treasurer and tax collector.....	25,000 00
City clerk.....	5,000 00
City attorney.....	5,000 00
Auditor and assessor.....	5,000 00
Superintendent of water system and streets.....	5,000 00

SEC. 55. City officers shall not be accepted as sureties for each other on official bonds. Every bond shall be made payable to the city of Vallejo, and contain a condition that the principal will faithfully perform all official duties that are 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 board of trustees may require the treasurer to give a surety company bond, in which case the expense of such bond shall be borne by the city.

Qualifications and prohibition of bondsmen.

SEC. 56. Every surety upon an official bond must justify in the manner prescribed by the Political Code of this state for official bonds.

SEC. 57. When an official bond is required of an officer, the mayor and board of trustees 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 board of trustees must declare the office vacant, and thereupon it shall become vacant.

Additional bonds.

*Salaries.*

SEC. 58. The officers herein named shall receive the following annual salaries:

Salaries of city officials.

Mayor.....	\$600 00
Treasurer and tax collector.....	750 00

Salaries of city officials.	City clerk .....	\$1,200 00
	City attorney .....	600 00
	Auditor and assessor.....	750 00
	Health officer.....	300 00
	Superintendent of water system and streets .....	1,200 00
	Chief of police .....	1,000 00
	Policemen (each).....	840 00
	Chief of fire department.....	200 00
	Deputy superintendent of the water department.....	600 00
	City engineer, to receive fees, to be fixed by the trustees.	

Salaries of all officers shall be paid monthly. After having served two years the chief of police (as long as he continues such) shall receive an increase in salary over the above amount, of two hundred dollars per annum; and the patrolmen after serving a similar number of years shall receive an increase of sixty dollars per annum.

The salaries set forth in this charter shall be in full for all services rendered. It shall be unlawful for the board of trustees, or any other board, to raise the salary of any officer, after his election, or the date of his appointment.

The words "election or appointment," as used in this section, shall mean from the time that the clerk made out his certificate of election or appointment; and the word "salary," as used in this section, includes all allowances of whatever nature.

## ARTICLE VIII.

### JUDICIARY.

Judiciary. SEC. 59. The justices of the peace of Vallejo township, residing within the corporate limits of the city of Vallejo, are hereby authorized and required to take cognizance of all cases arising under the ordinances of said city for violation thereof. All fines imposed by them and collected for violation of city ordinances shall be paid into the city treasury for the use and benefit of the city. They shall receive such compensation therefor as may be allowed by the city trustees, not to exceed the amount allowed them by law in criminal cases arising under the Penal Code, which compensation shall be paid out of the city treasury.

## ARTICLE IX.

### ELECTIONS.

Elections. SEC. 60. Elections to be held in the city shall be of two kinds: general and special.

SEC. 61. General municipal elections shall be held biennially on the first Monday in March; the first general election under this charter shall be held on the first Monday in March, nineteen hundred, and all officers elected at said election shall take office on the first Monday in April of said year.

SEC. 62. The provisions of all general laws governing elections for state and county officers, not inconsistent with the provisions of this charter, then existing or afterwards enacted by the state legislature, are hereby adopted as the law governing city elections, and the city trustees and city clerk, respectively, shall exercise the powers and perform the duties conferred or imposed on county boards of supervisors and county clerks concerning elections. The mayor, trustees, and city clerk shall constitute the board of election commissioners for the city.

Elections.

SEC. 63. The mayor and board of city trustees shall prepare and submit to the qualified electors of the city for adoption, at the first general or special election held under this charter, a proposition by ordinance governing and regulating primary elections; and until such ordinance is adopted by a majority of the qualified voters voting at such election, all candidates for offices to be filled at a city election can be nominated for such office in the manner provided for by the general law of the state.

Mayor and trustees, duties.

SEC. 64. It shall be the duty of the city clerk, whenever the great register of the county is about to be printed, to notify the board of supervisors of Solano county to provide for the printing of a sufficient number of registers (in addition to the number otherwise provided by law to be printed) for the general and special elections to be held or likely to be held in the city of Vallejo, and it shall be the duty of the county clerk of said county to furnish such registers in sufficient numbers when so required by the city.

City clerk's duty

SEC. 65. At the first municipal election held under the provisions of this charter the following officers shall be elected, and biennially thereafter: A mayor; city clerk, who shall also be clerk of the water department, and secretary to the commissioners of public works; auditor, who shall be ex officio assessor; treasurer, who shall be ex officio tax collector and license tax collector; two commissioners of public works; also five city trustees, five school directors, and five library trustees, who shall hold office for four years; *provided*, that the members of the above boards, at the first meeting of their respective boards, held under the provisions of this charter, shall draw lots for a long and short term; three members of each board shall retire at the end of two years, their successors shall be elected to hold office for four years; and two shall retire at the end of four years, and their successors shall be elected every four years thereafter. All officers herein named shall be elected at large; *provided*, that the members of the board of city trustees shall be nominated from wards, two from the first ward, two from the second ward, and one from the third ward; and the official ballots shall be prepared so that they shall show the ward that each candidate is nominated for. All candidates for city trustees shall be voted for by the electors of the entire city without respect to wards, and the nominees from each ward having the highest number of votes shall be declared the trustees from that ward.

Officers to be elected.

The board of city trustees and the board of education shall

be the judges of the election and qualification of their own members.

Elections  
to be  
called by  
ordinance

SEC. 66. The board of trustees shall by ordinance declare and provide for the holding of all municipal elections; such ordinance shall specify the object, time, place or places, and the names of the inspectors, judges of election, and clerks for each precinct, all of whom shall be residents of the precincts within which they are appointed to serve, for at least one year prior to said election, to conduct the holding of and to make returns of such election. Said ordinance shall be published in a daily newspaper published in said city, for at least ten days prior to the time designated for holding the election.

Precinct  
bound-  
aries, etc.

The boundaries for the precincts shall remain as fixed for the election of state and county officers at the last general election preceding the city election, unless changed by ordinance. Each inspector, judge, and clerk of election shall receive such compensation for his services as the board of city trustees may direct, not to exceed four dollars.

One set of  
election  
officers.

SEC. 67. The city trustees shall act in conjunction with the board of school directors, and arrange for and make provisions for one set of election officers to conduct both city and school elections at the same time and place. The school directors shall provide a special polling place for those school electors outside the city limits.

Election  
returns;  
duty of  
city clerk.

SEC. 68. The election returns from each precinct shall be filed with the city clerk, who shall immediately place them in the vaults in 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 city trustees. They shall be sealed up and kept by the city clerk, after having been canvassed, for six months, and no person shall have access to them, except on order of a legally constituted court.

Electors.

SEC. 69. Only such persons residing in the city of Vallejo whose names shall legally appear on the printed great register, or supplement thereto, of Solano county at the time of holding any municipal election, shall be entitled to vote at such election, and to this end and extent said great register is hereby adopted by the city.

Canvass

SEC. 70. On the second day after a city election, the city trustees shall canvass the returns and declare the result. 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 therefor and serve the same by depositing it, with postage prepaid, in the United States mail, addressed to the person elected or appointed; and within ten days thereafter (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.

All certificates of election must be authenticated by the hand and seal of the city clerk; no other authentication shall be necessary.

SEC. 71. Whenever a vacancy occurs by failure of the people to elect, the mayor shall appoint a suitable person to fill said vacancy, and if the board of trustees shall, by a vote of a majority of its members, confirm the appointment, the person so appointed shall fill the office until the next municipal election, if not sooner removed for cause.

Vacancies  
in elective  
offices.

When a vacancy occurs by virtue of the death, resignation, removal from office, or inability to serve, the mayor shall appoint a suitable person to fill the vacancy; *provided*, all such appointees shall possess all the qualifications required by this charter for filling said office; and if said appointment is confirmed by a majority vote of the board of trustees, he shall hold the said office until the next municipal election, unless sooner removed for cause.

Should a vacancy occur in the office of mayor, from any cause, the board of trustees shall order an election to be held within sixty days after the vacancy shall have occurred to fill said vacancy, except that such vacancy occurs within six months of the next municipal election, in which case the office shall be filled by the president of the board of trustees for the unexpired term.

## ARTICLE X.

### DEPARTMENT OF PUBLIC WORKS.

#### *Commissioners.*

SEC. 72. There shall be a department of public works under the management of three commissioners, who shall constitute the board of public works.

Depart-  
ment of  
public  
works.

The commissioners shall consist of the mayor and two additional members; candidates for the position must possess all the qualifications required of candidates for city trustee, and one of them shall be a practical builder, civil engineer, or architect; they shall be elected by the qualified voters at large, and serve without salary. Their term of office shall be four years; *provided*, that at the first election after the adoption of this charter the two candidates receiving the greatest number of votes shall be declared elected, and they shall determine by lot who is to retire at the expiration of two years.

Commis-  
sioners

Term of  
office.

SEC. 73. Immediately after their election and qualification they shall organize as a board. The mayor shall be president of the board; the city clerk shall be secretary to the board. They shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, secretary, and employés, and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by at least two of the commissioners, and be filed with the auditor; their regular meetings shall be held at such time and place as they shall fix by resolution, to be entered on its record. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass an order or resolution.

Organiza-  
tion.

Depart-  
ment of  
public  
works  
Secretary

*Secretary.*

SEC. 74. The clerk of the board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meeting, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the board. The secretary shall cause the publication of all notices herein authorized to be published, and shall perform such other duties as the board may from time to time prescribe.

ARTICLE XI.

POWERS AND DUTIES OF COMMISSIONERS OF PUBLIC WORKS.

Powers  
and duties  
of board.

SEC. 75. It shall, immediately on completing its organization, take possession of, and thereafter keep in its custody, all maps, surveys, field notes, plans, specifications, contracts; all documents, books, and papers; all machinery, tools, and appliances, and all property belonging to the city, in possession of or under control of the city surveyor or street superintendent.

SEC. 76. The board may appoint such employés as are herein provided for, or as may be authorized by the board of city trustees. The salaries of all officers and employés of the board, except so far as the same are designated by this charter, shall be fixed from time to time by the board of city trustees, in its discretion, on recommendation of the commissioners.

SEC. 77. The commissioners shall have charge and superintendence of all public work of every kind, where not otherwise provided for in this charter, to be done for the city or for the board of education, or any other department, and also for the furnishing of all material and supplies for such work. It shall be the duty of the commissioners to vigilantly inspect all parts of the city, and to recommend from time to time, to the board of city trustees, such work as they may deem necessary and proper.

SEC. 78. The commissioners shall have special charge, superintendence, and control, subject to such ordinances as the board of city trustees may from time to time adopt, of the harbor and water front, of the water system, and of all streets, highways, sidewalks, roads, bridges, wharves, parks, and public places belonging to the city, or dedicated to public use, and of the improvements and repair thereof; of all sewers, cesspools, and the work pertaining thereto, or to the drainage of the city; of the cleaning of streets; and of all repairs upon all accepted streets; of the construction and repair of all public buildings, and the making of all improvements for the city or under its authority; and if at any time the city should own its own system for lighting the streets and public places thereof, the commissioners shall have the management of all its plant and whatever may belong to the system. It shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the city for the moving of buildings



through the streets thereof; the keeping of sidewalks clear of obstructions, the erection of lamp posts, electric light, telegraph and telephone poles on the streets and alleys of the city; the putting up of signs and awnings; the location of steam boilers, the determining of the location of all gas, water, and sewer pipes laid in the streets or alleys, and to prescribe such rules as shall prevent damage to the streets by reason of the laying of said pipes and sewers. The commissioners shall have full power to regulate and control, subject to the ordinances of the city, the anchorage of vessels in the harbor of Vallejo; the manner of using the streets, sidewalks, wharves, harbor, parks, and public places, and to prevent and remove obstructions therefrom, and cause the prompt repair of streets, sidewalks, and public places when the same may be taken up or altered.

Department of  
public  
works,  
duties of  
board.

The commissioners are authorized to collect, by suit or otherwise, in the name of the city, the expense of such repairs from person or persons by whom said sidewalk or street was injured or torn up.

The commissioners shall regulate, subject to the requirements of the board of health, and the ordinances of the city, the construction of sinks, gutters, wells, cesspools, and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the same shall be done.

SEC. 79. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, closing, straightening, widening, or improvement of any street, road, or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or when any part of the cost or expense thereof is to be assessed upon any private property, shall be made to said board, and such work or improvement shall not be ordered or authorized until after said commissioners shall have reported to the board of city trustees upon said application.

#### *Contracts.*

SEC. 80. All public work authorized by the city trustees to be done under the supervision of this board, and all work for which the board of education shall make requisition upon the commissioners of public works, and all contracts for materials and supplies in an amount exceeding two hundred dollars required by the board of city trustees, or any of the departments of the city, but not otherwise provided for in this charter, shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by the preceding section, the commissioners shall cause notice inviting sealed proposals therefor to be posted conspicuously in its office and published for not less than five days in one newspaper; *provided*, that when the estimated cost exceeds two thousand dollars, notice shall be posted and published for not less than ten days; except that when the estimated

Contracts.

Depart-  
ment of  
public  
works.

Contracts.

cost of any improvement or repair work does not exceed two hundred dollars, and shall be deemed an urgent necessity by the board of commissioners, such repair or improvement may be made by the commissioners under written contract or otherwise, without advertising for sealed proposals; but no piece of repair work or improvement shall under any circumstances be subdivided for the purpose of bringing the estimated cost within the limit herein provided.

SEC. 81. Said advertisement and notice shall invite sealed proposals, to be delivered to the commissioners in open session, at a certain day and hour, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing the said work, or for both, as may be deemed best by the commissioners; and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the commissioners for full detail and description of said work and material.

SEC. 82. All proposals shall be made upon printed forms to be prepared by the commissioners and furnished gratuitously upon application, with a form of affidavit hereinafter provided for, printed thereon; each bid shall have thereon the affidavit of the bidder that his is genuine, and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, or corporation, or firm, to refrain from bidding, and that the bidder has not, in any manner, sought by collusion to secure to himself an advantage over other bidders.

Any bid made without such affidavit, or in violation thereof, shall be absolutely void, and also any contract let thereunder.

If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath, the contract shall be canceled and no recovery shall be had thereon, and the commissioners shall at once proceed as before to award a new contract.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the city clerk, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

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. 83. On the day at the hour specified in said notice inviting sealed proposals the commissioners shall assemble and remain in session at least one hour thereafter, and all bids shall be delivered to the commissioners by the bidder or his agent while it is so in session, and within the hour named in the adver-

tisement. No bid not so delivered to the commissioners shall be considered. Each bid, as it shall be received, shall be numbered and marked "filed" by the president, and authenticated by his signature. At the expiration of the hour stated in the advertisement, within which the bids will be received, the commissioners shall, in open session, open, examine, and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the commissioners by the secretary.

Department of  
public  
works.  
Contracts.

Before the commissioners adjourn they shall compare the bids with the record made by the secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the commissioners may adjourn to, award the contract to the lowest responsible bidder, except as otherwise herein provided.

Notice of such award shall forthwith be posted for five days by the secretary of the commissioners in some conspicuous place in the office of the commissioners.

The commissioners may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and any bids other than the lowest responsible bid; and on accepting said lowest bid shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected the commissioners shall return all checks to the proper parties, and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the secretary of the commissioners until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said lowest bidder.

If said bidder refuses or fails to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the general fund. Neither the commissioners of public works, nor the board of trustees, nor the board of education shall have power to relieve from or remit such forfeiture.

SEC. 84. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the commissioners shall advertise for proposals for a new contract.

SEC. 85. All contracts shall be drawn under the supervision of the city attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the supplies and material to be used. No change or modification in the plans or specifications shall be made after the proposals for doing the work have been called for.

Every contract entered into by the commissioners shall be signed by at least two of their members, and by the other contracting party, and attested by the city clerk.

Depart-  
ment of  
public  
works.

Contracts.

All contracts shall be signed in triplicate, and one of which, with the specifications and drawings, if any, of the work to be done and the materials to be furnished shall be filed with the board of education, when the work is done upon requisition of that board, and in other cases with the city clerk; and one thereof, with said specifications and drawings, shall be kept in the office of the commissioners, and the other, with specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of said contract said contractor shall execute to the city and deliver to the secretary of the commissioners a joint and several bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the commissioners, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of said contract.

No surety on any bond shall be taken unless he be a resident and householder, or freeholder within the state, and worth the sum specified in the bond over and above all just debts and liabilities exclusive of property exempt from execution; and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed on the bond. But when the amount specified in the bond exceeds three thousand dollars, and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond, if the whole amount be equal to two sufficient sureties.

The contract for work shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the commissioners, the board of city trustees may extend said time, but in no event shall the time for the performance of said contract be extended by the board of trustees more than sixty days beyond the time originally fixed for its completion.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the board of city trustees shall not pay or allow him any compensation for any work done by him under said contract. But the commissioners of public work shall proceed to complete the work as provided in said contract, at the expense of said contractor and his sureties; *provided*, that the board of trustees shall order to be paid to the contractor or his sureties whatever balance may remain after the commissioners shall have completed the work as provided for in this section.

SEC. 86. The work in this article provided for must be done under the direction and to the satisfaction of the commissioners, and all materials and supplies furnished must be in accordance with the specifications, and to the satisfaction of said board of commissioners, and all contracts provided for in this article must contain a provision to that effect. When said contract shall have been completed to the satisfaction and acceptance of

said commissioners, they shall so declare by resolution, and thereupon said commissioners shall deliver to the contractor a certificate to that effect.

Department of public works.

SEC. 87. The commissioners of said board shall not, nor shall either of them, or any person employed in said department, be interested, directly or indirectly, in any contract for labor, works, supplies, or material, entered into by said board; nor shall either of such commissioners, officers, or employes be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same.

Contracts.

SEC. 88. Whenever the commissioners of public works shall have perfected all preliminary work for the awarding of a contract for the furnishing of supplies, or the doing of any work or the making of any improvement, said commissioners shall instruct their secretary to prepare a statement showing the nature and quantity of the supplies required, the work to be done, or the improvements to be made; such report must be accompanied by the proposed contract and a copy of all bids received, for the furnishing of the required supplies, doing the work, or making the improvements contemplated, to the board of trustees; said board shall then, or at its next meeting, consider the matter, and may order the commissioners of public works to accept the bid of the lowest responsible bidder and award to him or them the contract, or it may order said board to reject any and all bids, and to call for new proposals.

SEC. 89. Provided that nothing in this article shall be construed as clothing the commissioners of public works with the power to award contracts, except by order of the trustees, and said order must be by resolution or ordinance.

*Superintendent of Waterworks and Streets—Deputy Water Superintendent.*

SEC. 90. The commissioners of public works shall recommend to the board of city trustees, a suitable person to be superintendent of the water department, who shall be ex officio superintendent of streets; said commissioners shall also recommend a suitable person to be deputy superintendent of the water department, both of whom shall be appointed for two years.

Superintendent of water-works and streets.

Deputy.

*Superintendent of Streets.*

SEC. 91. The street superintendent shall have the general care of and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve, or reject, all material used in such construction, whether done under contract or otherwise; and shall at once report to the commissioners of public works all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to

Duties of superintendent of streets.

stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

*New buildings within the fire limits.*

Fire  
limits.

SEC. 92. The board of city trustees shall, by ordinance, provide for the inspections of all public buildings, and no building shall be erected in the city, within the fire limits, until the plans and specifications for said building are submitted to the commissioners of public works, who shall make a careful calculation as to the strength of all the various parts provided for in said plans. The commissioners must give a permit to the owner or contractor, before any building, either public or private, shall be allowed to be erected within the aforesaid limits; said permit must state that the plans and specifications for said building had been submitted to them for approval, and that all proper care had been taken for the protection of life and health, under all conditions.

## ARTICLE XII.

### CITY WATERWORKS SYSTEM.

City water-  
works.

SEC. 93. The commissioners of public works shall have full power and authority over the organization, government, and discipline of the waterworks department, and shall have control of the waterworks, and all other property pertaining or belonging thereto, and shall see that all employes in the department faithfully discharge their duties, and that the laws, ordinances, rules, and regulations relating thereto are observed. The commissioners shall make such rules and regulations as may be necessary to secure efficiency in the waterworks department; they shall only appoint such employes as may be necessary to carry on the work of the department in an efficient manner.

The commissioners of public works, in making appointments of employes of the waterworks department, shall be guided solely by the fitness of the applicant; *provided*, that all employes shall be citizens of the United States; and no person shall be appointed to or removed from any position in said department on account of partisanship or political opinions.

*Duties of the superintendent.*

Superin-  
tendent's  
duties.

SEC. 94. The permanent employes of the water works department shall be a superintendent and assistant superintendent.

The superintendent shall reside in the city of Vallejo and have, under control of the commissioners of public works, charge of all water mains and pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing, or removal of all water mains, putting in taps, flushing hydrants and sewers, and shall perform such other duties as may, from time to time, be prescribed by the commission-

ers of public works. He shall keep a correct record of all alterations or additions made to the main pipes, gates, valves, taps, and fire hydrants, and all labor performed under his direction; and account for all material and tools received or used in his department, and make a written report covering the same to the commissioners of public works on or before the eighth day of each month, together with such other recommendations as to him may seem to be in the interest of the public service. He shall examine all claims against the city for materials or tools used in his department, and said claims shall be first certified to by him before being presented to the commissioners of public works for approval. He shall make up the monthly payroll of his department, certify to same, and present it to the commissioners of public works, who shall verify it.

City water-works.

Superintendent's duties.

SEC. 95. The superintendent shall have all the authority to make arrests that is vested in the police.

*Duties of assistant.*

SEC. 96. The assistant superintendent shall have charge, under the superintendent, of all reservoirs, other than Fleming Hill reservoir, and all pipe-lines beyond Fleming Hill reservoir, and have his residence as near as practicable to the Lower Falls in Green valley. He shall, at least twice each week, make a thorough inspection of all the pipe-lines beyond Fleming Hill reservoir and all other reservoirs excepting that of Fleming hill, and immediately report to the superintendent any imperfections he may have discovered, together with any recommendations he may deem proper. The assistant superintendent shall be vested with the proper authority to make arrests, and he shall enforce all ordinances or rules for the preservation of the property of the city of Vallejo.

Duties of assistant.

SEC. 97. The superintendent shall have authority to make repairs to pipe-lines or reservoirs immediately required, provided the cost of such repair does not exceed fifty dollars, and must immediately make a report in full of the work performed, together with his reasons for performing the same, to the commissioners of public works.

Superintendent may repair pipe-lines.

SEC. 98. It shall be his duty to diligently and accurately ascertain the respective sums properly collectible for the use of city water from the several water-takers, according to the rates established by ordinance for that purpose, then in force, and report the same to the city clerk, who shall accept such report as the minimum sums to be collected, and make collections of water rates accordingly, and shall not have power to make reductions from the sums so reported, but may collect a greater sum whenever he shall discover that any sum so fixed is less than is properly collectible. Nor shall any reduction be made in any of the amounts to be collected as reported by the city superintendent, unless by order of the board of trustees. If the sum to be collected from any water-taker has not been reported by the city superintendent, the city clerk shall collect in such case the proper amount for water rates, in accordance

Superintendent to report to city clerk.

with the ordinance, the same as if it had been reported by the city superintendent.

Map of  
water-pipe  
system.

SEC. 99. The board of trustees shall cause to be made, provided the same does not exist at the time this charter takes effect, a complete and comprehensive chart or map of the city water-pipe system, showing the location of every main, lateral, and size of such main or lateral pipe, fire hydrant, house tap, air valve, blow-off, and other important features. Said map or chart shall be kept up, and made to show all the extensions, additions, or alterations made from time to time in the system. Said map or chart shall be carefully preserved, and be kept in the office of the commissioners of public works.

Water  
meters.

SEC. 100. The board of trustees shall, upon the recommendation of the commissioners of public works, or of their own volition, order attachment of meters wherever water is used in large quantities, or is thought to be used in a wasteful manner; *provided*, that the cost of meter and attachment be paid by the city; *and it is further provided*, that the board of trustees shall annually fix the water rates for consumers, and also the rate per thousand gallons, and they shall provide meters at the expense of the city to any consumer demanding the same, and all water rates shall be established on the quantity consumed by each renter, as shown by the register or meter; said rate shall be by the thousand gallons consumed; *provided further*, that the board shall annually establish a graduated scale of rates per thousand gallons; all water rates shall be collected quarterly in advance.

## ARTICLE XIII.

### SCHOOL DEPARTMENT.

School de-  
partment.

SEC. 101. The school department shall comprise all the public schools in the school district of the city of Vallejo, and shall include primary, grammar, and high schools, and shall maintain them ten months in each year.

School  
directors.

SEC. 102. The government of the school department is hereby vested in a board of education, consisting of five members, who shall be designated school directors, and they shall serve without compensation.

Qualifica-  
tions.

SEC. 103. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age, the head of a family, and who has not been a resident of the city for three years next preceding his election.

Organiza-  
tion.

SEC. 104. The board of education shall enter upon the discharge of its duties on the first Monday in April after their election, and the board shall meet upon said date and organize by electing one of their number president, whose term of office shall be two years. They shall hold regular 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

Meetings.



special meetings that has not been distinctly stated in the call. A majority of 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. 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.

*Powers and duties of school directors.*

SEC. 105. In addition to the powers and duties conferred by the general laws of the state, the board of education shall have power:

School directors' duties.

1. To establish and maintain public schools as provided in this article, and to change, modify, consolidate or discontinue the same as the public welfare may require; to manage and control the school property.

2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties. To fix, alter and approve their salaries and compensation, and to withhold, for good and sufficient cause, the whole, or any part of, the wages, salary or compensation of any person employed as aforesaid; and to promote, transfer, and dismiss teachers. All teachers elected by the first board of education after the adoption of this charter, shall be elected for the term of two years, and all subsequent boards shall elect teachers for two years, except in filling vacancies, which shall be for an unexpired term; and no teacher who shall, thereafter, be so appointed, shall be dismissed from the school department, during such term, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the board from removing teachers holding only special certificates, or serving a probationary term. Charges against teachers must be formally made, in writing, and shall be finally passed upon by the board, after giving the accused teacher due hearing.

3. 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.

4. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction, and what text-books, in addition to 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.

5. 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.

6. To furnish the schools with proper school furniture, appa-

School department.

Directors' duties.

ratus, and appliances, and to insure any and all school property.

7. To make requisition on the commissioners of public works for the improvement and repairs to the school property whenever necessary.

8. 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 city trustees. 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. The mayor and city trustees are 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 twenty cents on each one hundred dollars' valuation, as shown by the assessment roll. When the amount asked for exceeds the sum of twenty cents on the one hundred dollars' valuation, the mayor and city trustees may, in their discretion, levy and collect a sum not to exceed thirty cents on the one hundred dollars' valuation as shown by the assessment roll, but there shall be levied and collected not less than twenty cents on the hundred dollars' valuation as shown on the assessment roll.

9. To prohibit any child under six years of age from attending the public schools.

10. To admit non-resident children to any of the departments of the school, 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 fee required to be collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted.

11. To dispose of at public or private sale such personal property as shall no longer be required by the department.

12. To exclude from the school and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

13. 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.

14. To use and apply the school funds 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 schools 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 public schools in said city.

15. On or before the first day of April in each year the board shall appoint a census marshal whose salary shall not exceed seventy-five dollars, and he must file his report to the board of education in thirty days after his appointment. Any cen-

sus marshal found incompetent shall be discharged and the vacancy filled. Said census marshal shall perform the duties of his office in accordance with the general school law of the state.

School de-  
partment.  
Directors'  
duties.

16. 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 used therein.

17. 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.

18. It shall be the duty of the board to keep a correct account of all monthly expenditure, and they shall never expend for any purpose any amount of the revenue provided for the annual maintenance of the schools of the district which will not leave a surplus equal to the full amount of the salaries of all teachers employed by the board; and all members of the board are charged with a knowledge of the school fund; and each and every member of said board of education shall be held liable to each and every teacher for the full amount of salary provided for and agreed to be paid to each said teacher, and said teacher may bring suit against each and every member of said board for the full amount of any deficit that may exist in the salary of said teacher in violation of this section; and the court shall give judgment in favor of all such claimants upon the proper proof being produced that the provision of this section was not fully carried out.

19. When the board of city trustees shall have agreed upon the amount of money that may be allowed in any one year for a high school, and the repair and supplies which may be required for the public schools of the city, showing the amounts required separately, they shall notify the board of supervisors of Solano county and request them to place the same in the tax levy for the year; said tax shall be collected from all property, real and personal, in the school district of the city of Vallejo. Said district comprises all the territory within the corporate limits of the city, and all outlying territory which may be annexed to it for school purposes only, as is provided in this charter. The money when collected shall be kept in separate funds, to be known as the "high school fund" and the "repair and supply fund of the school district of Vallejo"; and all warrants must show the fund upon which they are drawn and the object for which they are drawn. All warrants drawn on the above-named funds must be signed by the president, and countersigned by the secretary of the board of school directors. Any warrant drawn on any of the funds herein named for any other purpose but that for which it was created shall be rejected by the county auditor. The president and secretary of the board of school directors are charged with a knowledge of the condition of said funds. Any officer of the board who signs or countersigns a warrant on any depleted fund, or for more than has been provided for the year in which the warrant was drawn, shall be guilty of a misdemeanor, and shall be personally liable to the school fund drawn on for the full amount.

High  
school, tax.

School department. 20. The board of education shall immediately after its organization elect a secretary, whose salary shall not exceed two hundred dollars a year.

Secretary.

21. The board of education shall elect two of its members, who, together with the president of the board, shall constitute a standing committee on classification.

22. The board shall, upon the receipt of the statement of the secretary, as hereinafter provided, call for sealed bids for furnishing the articles in said statement specified. These bids shall be publicly opened in the office of the board of education and the contracts awarded to the lowest and best bidders. Bids shall be called for by advertisement in one daily newspaper published in the city.

*Duties of school officers.*

School officers, duties.

SEC. 106. It shall be the duty of the president and secretary 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 they may deem proper.

*President.*

President.

SEC. 107. The president shall visit each school once a month and at such other times as the welfare and efficiency of the schools demand, and shall observe, and cause to be observed, such rules for the regulation, government, and instruction of the schools as may be established by the board.

Powers.

The president 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, and may recommend to the board the dismissal of teachers, stating the reason therefor.

Duties.

He shall attend all sessions of the board, and give information at each session of the condition of the schools, school houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city; and acquaint himself with all the laws, rules, and regulations governing the schools in the city, and the judicial decisions thereon, and give advice upon all matters connected with the schools gratuitously to officers, teachers, pupils, and their parents and guardians.

*Secretary.*

Secretary.

SEC. 108. The secretary 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 appliances as may be necessary for the use of the city schools and the board for one year following.

*School teachers.*

Teachers.

SEC. 109. No teacher shall be elected or appointed to a position in the school department who does not hold a primary,

or grammar grade, or high school certificate in full force; and no one shall be elected to a permanent position who has not taught successfully at least one school year. 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 two years 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.

School department.

Teachers' qualifications and tenure.

#### *Claims.*

SEC. 110. 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.

Claims.

### ARTICLE XIV.

#### PUBLIC LIBRARY DEPARTMENT.

##### *Library and reading-rooms.*

SEC. 111. The Vallejo public library and reading-rooms shall be under the management of a board of five trustees; said trustees shall not receive any compensation for their services.

Public library.

SEC. 112. The city trustees shall, for the purpose of maintaining such library and reading-rooms, as the board of library trustees may from time to time establish, and for purchasing books, journals, periodicals, etc., annually levy a tax on all property in the city not exempt from taxation, which shall not be less than five cents nor more than seven cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the library fund.

Tax levy.

SEC. 113. All revenue from such tax, together with all money or property derived by gift, devise, bequest, or otherwise, for the purpose of the library, shall be paid into the treasury, and shall be designated as the library fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of the library and reading-rooms, in accordance with the terms and conditions of such gift, devise, or bequest.

Library fund.

SEC. 114. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest, or otherwise, for the purposes of the library and reading-rooms, when not inconsistent with the terms of its acquisition, shall vest in the city, and in the name of the city may be sued for and defended by action at law or otherwise.

Title to library property.

##### *Powers and duties of the library board.*

SEC. 115. The board shall take charge of the public library and reading-rooms, and of all real and personal property there-

Library  
board,  
duties of.

unto belonging, or that may be acquired by loan, purchase, gift, devise, or otherwise, when not inconsistent with the terms and conditions of the gift, devise, bequest, or this charter. It shall meet for business purposes at least once a month, and at such other times as it may appoint, in a place to be provided for the purpose. A majority of the board shall constitute a quorum for the transaction of business. It shall elect one of its number president, who shall serve for two years and until his successor is elected; and shall elect a librarian and secretary, and shall fix the salary of the librarian. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings.

SEC. 116. The board, by a majority vote of all its members, to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of the library and reading-rooms, and all property belonging thereto, or that may be loaned thereto.

2. To administer any trust declared or created for such library and reading-rooms, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.

3. To purchase books, journals, publications, and other personal property for the use of the city library.

4. To order the drawing and payment of vouchers, certified by the president and secretary, of money from the library fund for any liability or authorized expenditure.

## ARTICLE XV.

### POLICE DEPARTMENT.

Police de-  
partment.

SEC. 117. The police department of Vallejo shall consist of a permanent force, which shall consist of such number of policemen, not less than three, and not exceeding one for each fifteen hundred inhabitants, as the board of trustees shall from time to time by ordinance authorize to be appointed. All policemen shall be nominated by the mayor and confirmed by the board of trustees, such appointees to hold office during efficiency and good behavior. The last United States census shall govern as to population.

#### *Chief of police.*

Chief of  
police.

SEC. 118. From the number of policemen appointed the mayor shall appoint a chief of police, subject to the approval of the board of trustees, such appointment to be made biennially.

#### *Duties of the chief.*

Duties of  
chief.

SEC. 119. The chief of police shall have command and control of the police force, subject to the general supervision of the mayor. He shall have power to suspend any police-

man for disobedience of any lawful order, for the violation of the rules of the department, neglect of duty, drunkenness, or misconduct as a policeman; and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the mayor, who shall forthwith report the same, in writing, together with the charges preferred against such policeman, to the board of trustees; and if such policeman be found guilty by the board he shall be dismissed from the police force.

Police department.

Duties of chief of police.

SEC. 120. The chief of police shall observe, and cause to be observed and enforced, all laws and ordinances within the city, and see that all lawful orders and process of the board of trustees and justices' courts within the city are promptly executed. For suppression of any riot, public tumult, disturbance of the peace, unlawful assembly, organized resistance to the law or public authorities in the performance of their duties, or in arresting persons for public offenses, he shall have the powers that are or may be hereafter conferred upon sheriffs by any law, and all his lawful orders shall be promptly executed by the police officers. In addition to the powers and duties herein enumerated the chief of police shall have such other powers and perform such other duties pertaining to the police department as may from time to time be conferred or imposed upon him by ordinance.

SEC. 121. The chief of police shall keep a public office, to be provided by the board of trustees, which office shall be kept open day and night. The chief of police shall devote his entire time to the discharge of the duties of his office, and shall not absent himself from the city, unless in pursuit of persons who have committed public offenses within the limits of the city. If such absence from the city be upon any other business not immediately connected with his office, except on vacation (and then only by written consent of the mayor, filed with the city clerk), he shall forfeit his salary for the time of such absence, and the proper amount shall be deducted from his next salary warrant by the city auditor. Any policeman shall have the authority to execute the orders and process of the justices' court.

#### *Patrolmen—their duties.*

SEC. 122. No person shall be appointed to any position on the police force of the city, unless he shall be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident and elector of the city for at least one year next preceding his appointment. Nor shall any person be so appointed who has been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength or courage, and every appointee shall be not less than twenty-five or more than forty years of age, and must, before being appointed, present to the mayor a certificate from a physician, selected by the board of trustees, that the applicant is in sound health and free from any physical disability that would incapacitate him for the duties of a policeman.

Patrolmen, duties.

Police de-  
partment.  
Members  
of police  
force not  
to be active  
partisans.

SEC. 123. Except as otherwise in this charter prescribed, the mayor and board of trustees in making the appointments of the members of the police force shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to or removed from the police force for or on account of partisanship, or for or on account of his political opinions. No member of the police force shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote, and any officer, member or employé in said department violating any of the provisions of this section shall forfeit his position.

Rewards,  
etc.

SEC. 124. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any services he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the written consent of the mayor, first filed with the city clerk; and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for a yearly vacation, not to exceed two weeks, and no two officers to have vacation at the same time.

No other  
business.

Vacation.

Duties.

SEC. 125. The members of the police force shall promptly and fully obey, enforce, observe, and cause to be obeyed and enforced, all lawful orders of their superiors, and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of public nuisances, and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all the ordinances of the city, and with all laws of the state defining public offenses and regulating criminal proceedings.

#### *Special policemen.*

Special  
police.

SEC. 126. In addition to the regular and extra police force, the mayor may, at times when very large numbers of people, in addition to the permanent inhabitants, congregate in the city, appoint not to exceed five special policemen, to serve not to exceed two weeks, who shall receive the same compensation for their services as is paid to regular policemen. The mayor may, also, by and with the consent of the board of trustees, upon the petition of any person, firm, or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm, or corporation; *provided, however,* that the locality where such special policeman is to act shall be described in the warrant of appointment; *and provided further,* that no such appointment shall be made until



the board of trustees, by affirmative vote of at least three of its members, authorize the appointment of a special policeman for such locality. The policeman so appointed shall not receive any pay from the city. All special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the chief of police, and be subject to and obey all rules and regulations of the police department. The term of office of any special policeman shall not extend beyond one year, nor shall such special policeman continue to act as such for a longer period than one year, unless reappointed.

Police department.

The board of trustees shall prescribe the badge of office and uniform to be worn by members of the police force; *provided*, they conform as nearly as practicable to those adopted by cities of the first and second class.

Badge and uniform.

## ARTICLE XVI.

### HEALTH DEPARTMENT.

#### *Board of health.*

SEC. 127. The board of health shall consist of five members, two of whom shall be practicing physicians, who shall be appointed by the board of trustees.

Board of health.

SEC. 128. Regular meetings of the board of health shall be held once a month, and special meetings when called by the president or any three members, and all meetings shall be public; three members shall constitute a quorum for the transaction of any business.

Meetings.

#### *Powers and duties of the board and officers.*

SEC. 129. Said board of health shall have supervision of all matters appertaining to the sanitary condition of the city and public institutions thereof, and full powers are hereby given to said board over all questions of foul or defective drainage, and of the disinfection and sanitary cleaning of the streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of low places within the city limits calculated to receive and retain unhealthy deposits.

Powers and duties.

SEC. 130. The board of health shall exercise a general supervision over and be the custodian of all death and cemetery records now belonging to the city, and they shall cause to be kept, in books prepared for the purpose, complete records of all deaths, interments in the city cemeteries, and births occurring in said city. They shall adopt such forms and regulations for the use of physicians, undertakers, and superintendents of cemeteries as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the mayor may provide the necessary attendants and supplies for the pesthouse.

Board of  
health.

City trust-  
ees to en-  
force or-  
ders, etc.

SEC. 131. The board of trustees of the city of Vallejo shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the board of health may from time to time adopt; and all expenses necessarily incurred by the board of health in carrying out the provisions of law and this charter shall be provided for by the board of trustees, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

*President and secretary—duties.*

President  
and secre-  
tary.

SEC. 132. The board of health shall, upon its appointment, and annually thereafter, elect from its members a president and secretary. The secretary shall be a practicing physician and ex officio health officer of the city.

Duties of  
secretary.

SEC. 133. The secretary shall see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all records appertaining thereto, and issue all permits for burials or removals in any of the cemeteries of the city, and no interments shall be made therein, unless said health officer is satisfied of the correctness and reliability of the certificate of death, presented for his inspection. He shall have the powers of a police officer, and shall make an extended annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

*Health officer.*

Health  
officer.

SEC. 134. The health officer shall visit, once in each quarter, all public buildings and school houses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

The health officer shall promptly report in writing to the superintendents or governing authorities of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious disease. Said superintendents when so notified must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the health officer, that there is no longer any danger from contagion. When a case of contagious disease is reported to the health officer he may visit the premises where the person is, and when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

The health officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so

affected is not removed to said hospital or pesthouse, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires. Duties of health officer.

The health officer shall vaccinate, free of charge, all persons applying to him.

Every member of the board of health may administer oaths on matters connected with the health department.

## ARTICLE XVII.

### CEMETERIES.

SEC. 135. The board of trustees shall have power to create, control, regulate, abolish, or prohibit cemeteries; to sell or otherwise dispose of lots in those created; and to control and regulate interments within the city limits, and to provide for moving human remains from the city. Cemeteries.

## ARTICLE XVIII.

### FIRE DEPARTMENT.

SEC. 136. The fire department and all property belonging thereto shall be under the management and control of the board of city trustees. Fire department.

The board of trustees shall provide all necessary apparatus and appliances for the extinguishment and location of fires.

#### *Officers of the department.*

SEC. 137. The fire department shall consist of a chief engineer and two assistants, and such companies, and foremen, firemen, and employés as the board of trustees may, by ordinance, from time to time determine to be necessary. The chief engineer and foremen of the several companies shall constitute a board of management of the department, of which board the chief shall be chairman. Officers.

All appointments and removals in the department shall be made by the board of trustees, upon recommendation of the board of management.

SEC. 138. The board of trustees shall prescribe the qualifications for membership in the department, provide rules and regulations for its government, determine the manner of their enforcement, and the penalties for their violation, and it shall be the duty of the board of management to see that said rules are enforced.

#### *Chief—his duties.*

SEC. 139. The chief engineer shall be the executive officer of the fire department, and ex officio fire marshal of the city, Chief, duties.

Fire de- and it shall be his duty to see that the laws, orders, rules, regu-  
partment. lations, and ordinances concerning the department are observed  
and carried into effect; and he shall also attend to such duties  
as fire warden as may be prescribed by the board of trustees.

*Power to make arrests.*

Officers, SEC. 140. The chief engineer and the assistant engineers  
powers of. while in the discharge of their duties shall be vested with all  
the powers of arrest and detention vested in police officers.

Officers, SEC. 141. The chief engineer and his assistants shall be  
elected. elected by the members of the department. The officers of the  
several companies shall be elected by the members thereof.

Salaries. SEC. 142. The salary of the chief of the fire department and  
the manner of his election, and that of his assistants, shall  
remain as in this charter provided, until the department is  
reorganized, when the trustees may, by ordinance, alter the  
same.

## ARTICLE XIX.

### REVENUE AND TAXATION.

Revenue and taxa- SEC. 143. All property in the city, not exempt under the  
tion. laws of the state or the United States, excepting property used  
exclusively for public schools, and such as may belong to the  
United States, the state, to Solano county, or to the city, is  
subject to taxation for municipal purposes. All taxable prop-  
erty must be assessed at its full cash value. The term "cash  
value" shall mean the amount at which the property would be  
appraised if taken in payment of a just debt due from a solv-  
ent debtor. Land and improvements thereon must be separ-  
ately assessed. A mortgage, deed of trust, contract, or other  
obligation by which a debt is secured shall, for the purpose of  
assessment and taxation, be deemed an interest in the property  
affected thereby. In case of debts so secured, the value of the  
property, less the value of security, shall be assessed and taxed  
to the owner of the property, and the value of the security  
shall be assessed and taxed to the owner thereof, and the taxes  
so levied shall be a lien upon the property and security.

Assessor's SEC. 144. The city assessor must, between the first Mondays  
duty. of March and July of each year, ascertain the names of all  
persons taxable, and of all property in the city subject to  
taxation, and must assess such property to the person by whom  
it was owned or claimed, or in whose possession or control it  
was at noon on the first Monday of March next preceding; but  
no mistake in the name of the owner or supposed owner shall  
render the assessment invalid. In assessing solvent credits not  
secured by mortgage or trust deed, a reduction therefrom shall  
be made of debts due to bona fide residents of the state. The  
assessor shall have power to, and he must exact from, each  
person a statement, in writing, under oath, setting forth specifi-  
cally all the real and personal property owned by such person,  
or in his possession, or under his control, at noon on the first

Monday in March. 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 charter relating to assessments and taxation, the assessor must make an estimate of the value of the property of such person, and the value so fixed by the assessor shall not be reduced by the board of trustees.

Revenue  
and tax-  
ation.

SEC. 145. If the owner or claimant of any property, not listed by another person, is absent or unknown, the assessor must make an estimate of the value of such property. If the name of the absent owner is known to the assessor, the property must be assessed in his name; if unknown, the property must be assessed to "unknown owners."

Assessor's  
duty;  
unknown  
owners.

SEC. 146. Any property willfully concealed, removed, transferred, or misrepresented by the owner thereof to evade taxation, must, upon discovery, be assessed at not exceeding ten times its value, and the assessment so made must not be reduced by the board of trustees. Any property discovered by the assessor to have escaped assessment for the last preceding year, if such property is owned or controlled by the same person who owned or controlled it for such preceding year, may be assessed at double its value.

Same;  
evading  
taxation.

SEC. 147. On or before the twenty-fifth day of February of each year, the county recorder shall furnish the city assessor a list of all transfers of city property, and the amount thereof, also the names of all persons who have acquired property during the past year or since the last report has been submitted.

Recorder  
to furnish  
list of  
transfers  
of prop-  
erty.

SEC. 148. The city assessor must annually prepare an assessment book, with appropriate headings, alphabetically arranged, in which must be listed all property within the city subject to taxation; which assessment book must be completed by the assessor on or before the first Monday of July. The assessor shall also make a map book showing a plan of the various blocks of the city, and mark thereon, in each subdivision thereof, the name of the person to whom it is assessed. As soon as completed, the assessment book, together with the map book and statements, must be delivered to the city clerk, who must immediately give notice thereof, and of the time the board of trustees will meet to equalize assessments, by publication in a daily newspaper published in the city; and in the meantime the assessment book must remain in his office for the inspection of all persons interested.

City as-  
essor to  
prepare  
assessment  
book and  
map book.

SEC. 149. The board of trustees must meet on the first Monday of July of each year to examine the assessment book and equalize the assessment. It must continue for that purpose from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. The board has power, after giving notice, in such manner as it may by rule prescribe, to increase or lower any assessment contained in the assessment roll, so as to equalize the assessment of property and make it conform to the true value of such property in money. No reduction must be made in the valu-

Trustees,  
duties.

Revenue  
and taxa-  
tion.

ation of any property unless the party affected thereby, or his agent, files with the board a written application therefor, verified by his oath, and showing the facts upon which such reduction is claimed. No reduction must be made unless such person, or his agent, attends or answers, under oath, all questions relating to the value of the property. The board may subpoena such witnesses and hear such other evidence in relation to the matter as it may deem proper.

Trustees,  
duties of.

Sec. 150. 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. The clerk of the board must record, in a book kept for that purpose, all changes, corrections, and orders made by the board, and must enter upon the assessment book all changes and corrections so made, and must, on or before the first Monday in August, deliver the assessment book so corrected to the city auditor.

Auditor's  
duty.

Sec. 151. The city auditor, as soon as the assessment book is delivered to him by the clerk, must proceed to add up the valuations and enter the total valuation of each kind of property, and the total valuation of all property on the assessment book; and must, before the third Monday in August, report a statement thereof, in writing, to the board of trustees.

Board of  
estimate.

Sec. 152. The mayor, city collector, and city auditor shall constitute a board of estimate, of which board the mayor shall be chairman and the auditor shall be secretary. It shall be the duty of said board of estimate, on or before the second Monday of August of each year, to prepare and transmit to the board of trustees, accompanied by estimates and reports from the various departments of the city government, an estimate of the probable necessities of the city government for the next ensuing fiscal year, giving the amount required to meet the sinking and interest fund for any and all outstanding debts, together with the amount needed for salaries, and the probable wants of all the departments of the city government in detail, and showing specifically the necessities of each of the several specific funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected, from fines, licenses, water rates, harbor dues, and all other sources of revenue, exclusive of taxes upon property, and shall give an estimate of what amount will be required to be levied and collected by tax upon all property in the city subject to taxation, in order to meet the necessities of such fiscal year. If such estimates shall show that an increased amount will be required in any specific fund over the amount required for such fund for the pending fiscal year, such estimates shall also state the reasons why such increase will be required. The salaries pertaining to the respective offices held by them shall

Duties.

be in full compensation for all services performed by the members of said board of estimate.

SEC. 153. The board of trustees shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxation so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessed value thereof, except for the payment of principal and interest of the bonded debt of the city, if any. Every tax has the effect of a judgment against the person, and every lien created by this charter has the effect of an execution levied against all property of the delinquent, and the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold therefor. Every tax due upon personal property is a lien upon the real property of the owner thereof from and after twelve o'clock, noon, of the first Monday in March in each year. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on real property assessed to others than the real owner of the real property, is a lien on the land and improvements, which several liens attach at twelve o'clock, noon, of the first Monday in March in each year.

SEC. 154. As soon as the board of trustees has fixed the rates of taxes for the year, the auditor must compute, and enter in a separate column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of such taxes; and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the city collector, and charge the collector with the full amount of the taxes levied.

SEC. 155. Upon receipt by him of the assessment book, the collector must publish, for at least five days, a notice in some daily newspaper published in the city, specifying:

First—That the taxes on all personal property secured by real property, and one half the taxes on all real property, will be due and payable at the office of the city collector on the first 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 next thereafter, 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, or after, the first Monday in January next thereafter, 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.

Second—That all taxes may be paid at the time the first installment is due and payable.

SEC. 156. At any time after the duplicate assessment book has been received by the tax collector, and the taxes have

Revenue and taxation. Trustees to fix tax rate.

Limit.

Auditor's duty.

Tax collector's duty; publication of notice.

Payment of tax under protest.

Revenue  
and taxa-  
tion.

become payable, the owner of any property assessed therein, who may claim that the assessment is void, in whole or in part, may pay the same to the tax collector under protest, which protest shall be in writing, and shall specify whether the whole of the assessment is claimed to be void, or, if a part only, what portion, and in either case, the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as a voluntary payment, and such owner may at any time within six months after such payment bring an action against the city in the superior court, to recover back the tax so paid under protest; and if it shall be adjudged that the assessment, or the part thereof referred to in the protest, was void on the ground specified in the protest, judgment shall be entered against the city therefor.

Collector's  
duties.

SEC. 157. The city collector must mark the fact and date of payment or partial payment, as the case may be, in the assessment book opposite the name of the person assessed. He must also give a receipt to the person making the payment.

Same.

SEC. 158. On the last Monday in November of each year, at six o'clock P. M., all taxes then unpaid, except the last installment of the real property taxes, are delinquent, and thereafter the collector must collect an addition of fifteen per cent thereon; *provided*, that if they are not paid before the last Monday in April next succeeding, at six o'clock P. M., he shall also collect an additional five per cent thereon. On the last Monday of April of each year, at six o'clock P. M., all the unpaid portions of the remaining one half of the taxes on real property are delinquent, and thereafter the collector must collect an addition of five per cent thereon; *provided*, that the entire tax on real property may be paid at the time the first installment is due; *and provided further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made.

Same.

SEC. 159. On the second Monday in December of each year, the city collector must attend at the office of the auditor, with the assessment book, and the auditor must carefully examine the same, and if satisfied that the statements there appearing, of the taxes due and unpaid, are correct, he must foot up the amount of all taxes so due and unpaid, and must settle with him for the taxes paid, and require from him the treasurer's receipt therefor.

Same; de-  
linquent  
list.

SEC. 160. On the third Monday in May of each year, the collector must attend at the office of the auditor, with the assessment book, and must furnish and deliver to the auditor at said time a complete "delinquent list" of all persons and property then owing taxes, in which list must be set down in numerical or alphabetical order all matters and things contained in the assessment book and relating to the delinquent persons or property. The auditor must carefully compare the "delinquent list" with the assessment book, and if satisfied that it contains a full and true statement of all taxes due and



unpaid he must foot up the amount of taxes so remaining unpaid, and credit the collector therewith, and must settle with him for the taxes and percentages therein, collected since the December settlement, and require from him the treasurer's receipt therefor. After such settlement with the collector, the auditor must charge the collector with the amount of taxes due on the delinquent list, with five per cent added thereto, and within three days thereafter deliver said delinquent list, duly certified, to such collector.

Revenue and taxation.  
Duties of auditor; delinquent list.

SEC. 161. After April thirtieth, and on or before the second Monday of each year, the tax collector must notify all persons, or their agents, by mail where post office address can be obtained, that their taxes have become delinquent, the amount of said taxes, and that the property will be sold unless paid prior to the third day of July of said year.

Tax collector to notify delinquents.

SEC. 162. On or before the fifth day of June of each year, 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 taxes and costs due, opposite each name and description, with the taxes due on personal property added to the taxes due on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication shall be a charge against the city. The collector must append to and publish with the delinquent list, a notice that unless the taxes delinquent, with the costs and percentages, are paid, the real property upon which such taxes are a lien will be sold at a time and place designated in the notice. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place of sale must be at the city tax collector's office in the city of Vallejo. The publication must be made once a week for three successive weeks in one daily newspaper, or supplement thereto, published in the city. A copy of the publication, with the affidavit of the collector attached thereto, that it is a true copy of the same, that the publication was made in a newspaper, or supplement thereto, published in the city, and the date of each appearance, shall be filed with the city auditor, which affidavit shall be prima facie evidence of all the facts therein stated.

Publication of delinquent list.

SEC. 163. The city collector must collect, in addition to the taxes and percentages due on the delinquent list, fifty cents on each tract of land separately assessed, as costs for preparing the lists.

Costs.

SEC. 164. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties and costs have not been paid, shall, by operation of law and the declaration of the tax collector, be sold to the city, and said tax collector shall make an entry, "sold to the city," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement, made pursuant to law; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay taxes, penalties, and costs due.

Sale for delinquent taxes.

Revenue  
and taxa-  
tion.  
Delin-  
quent  
taxes; col-  
lector's  
duties.

SEC. 165. Immediately upon completion of the sale provided for in the preceding section, the tax collector must transmit to the auditor and assessor a statement or report in proper form, showing in detail each sale wherein the city became such purchaser.

SEC. 166. 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 city, and giving the amount and year of the assessment, and specifying when the city will be entitled to a deed.

Redemp-  
tion.

SEC. 167. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of sale to the city, or at any time prior to the entry or sale of said land by the city, in the manner provided by the following section herein.

Same.

SEC. 168. In all cases where real estate has been or may hereafter be sold to the city for delinquent taxes, and the city 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 city, and before the city shall have disposed of the same, have the right to redeem such real estate by paying to the city treasurer 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 percentages of 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 January of 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, the penalties as follows, to wit: Ten per cent, if redeemed within six months from 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 years or any greater number of years therefrom. The penalties 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. The auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him duplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the treasurer, together with the money, and the city treasurer shall give duplicate receipts, written or indorsed upon

Penalties.

said certificates, to the redemptioner, who shall deliver one of said receipts to the city auditor, taking his receipt therefor. The city treasurer shall settle for the moneys received as for other city moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the treasurer and auditor, any deed or certificate of sale that may have been made to the city shall become null and void, and all right, title, and interest acquired by the city, under and by virtue of the tax sale, shall cease and determine. The receipts of the city treasurer and city auditor may be recorded in the recorder's office of the county of Solano, in the book of deeds, and the record thereof shall have the same effect as that of a deed of conveyance of the interest conveyed by such deed or certificate of sale.

Revenue  
and taxa-  
tion.

SEC. 169. If the property is not redeemed within the time allowed by law for its redemption, the tax collector, or his successor in office, must make the city a deed of the property, reciting in such deed the name of the person assessed (when known), the date of the sale, a description of the land sold, the amount for which it was sold, that it was sold for delinquent taxes, giving the assessed value and the year of assessment, the time when the right of redemption had expired, and that no person has redeemed the property in the time allowed by law for its redemption. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the city clerk free of charge. All such deeds shall be recorded in the office of the county recorder of Solano county. The city clerk shall provide uniform blank deeds, upon which all conveyances to the city under the provisions of this section shall be made. All such deeds, after being duly recorded, as herein provided, shall be forwarded by the county recorder to the city clerk. The city clerk shall record all such deeds in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the city.

Unre-  
deemed  
property.

In all cases where land has heretofore been sold to the city for delinquent taxes, the deed therefor shall be made to the city within one year after this charter takes effect; *provided*, five years shall have elapsed after the date of such sale.

SEC. 170. The city collector shall, after the first Monday in February of each year, collect the taxes due on personal property, except where real estate is liable therefor, by seizure and sale at public auction of any property owned by the delinquent. The sale must be made, after five days' notice, given by publication, or by posting in three public places in the city, and must be of a sufficient amount to pay the taxes, percentages, and costs. For seizing and selling personal property, the collector may charge, in each case, the sum of three dollars costs. On payment of the price bid, the delivery of the property, with a bill of sale, vests the title in the purchaser. All excess over the taxes, percentages, and costs of proceeds of any property sold must be returned to the owner, and, until claimed, must be deposited in the city treasury for his benefit.

Personal  
property  
tax.

Revenue  
and taxa-  
tion.

Personal  
property  
delin-  
quent list.

The unsold portions of the property seized may be left at the place of sale at the risk of the owner.

SEC. 171. The city collector must, on the second Monday of July of each year, attend at the office of the city auditor with the delinquent list, and the auditor must then carefully compare the list with the assessments of persons and property not marked "paid" on the assessment book, and when taxes have been paid must note the fact in the appropriate column in the assessment book. The auditor must then administer to the collector an oath, to be written and subscribed on the delinquent list, that every person and all property assessed on the delinquent list, on which taxes have been paid, has been credited in the list with said payment, and that the taxes not marked "paid" have not been paid, and that the collector has not been able to discover any property of the persons liable to pay the same, out of which to make the collection. The auditor must then foot up the amount of taxes unpaid, and credit the collector therewith, and have a final settlement with him; and the delinquent list must remain on file in the auditor's office. Interest must be collected on all such delinquent taxes, at the rate of one per cent per month from the time delinquent until paid.

SEC. 172. Any taxes, percentages, or costs erroneously or illegally collected, may, by order of the board of trustees, be refunded by the treasurer.

Collection  
by seizure,  
and sale.

SEC. 173. The assessor, between the first Monday in March and the first Monday in July in each year, must collect the taxes on all personal property, when the owner thereof has no real estate or when, in his opinion, said taxes are not a lien on real property sufficient to secure the payment; he may enforce such collection by seizure and sale of any personal property owned by the person liable to pay the tax. Such seizure and sale shall be conducted in the same manner as provided to be done by the collector by section one hundred and seventy hereof. The assessor and collector are governed, as to the amount of taxes so collected on personal property, by the rate of the previous year. When the rate is fixed for the year in which the collection is made, then, if a sum in excess of the rate has been collected, the excess shall be repaid by the treasurer to the person from whom it was collected, and if a sum less than the rate has been collected, the deficiency must be collected, as are other taxes on personal property.

Assessor to  
settle  
daily.

SEC. 174. The assessor must settle with the city treasurer, and pay into the treasury daily, the personal property taxes collected by him, and the auditor must, as soon as the assessment book for the year comes into his hands, note opposite the name of each person from whom taxes have been so collected, the amount thereof, and as soon as the rate for the year is fixed, he must also note on the assessment book, in connection with the previous entry, the amount of excess or deficiency.

Correction  
of errors.

SEC. 175. Omissions, errors, or defects of form in the assessment book, or in the delinquent list, may, with the written consent of the city attorney, be supplied or corrected by the assessor at any time prior to the sale for delinquent taxes.

In the assessment, advertisement, and sale of taxes, initial letters, abbreviations, and figures may be made use of, and no assessment or act relating to the assessment or collection of taxes is illegal on account of informality nor because the same was not completed within the time designated.

Revenue  
and taxa-  
tion.

SEC. 176. All taxes assessed before this charter takes effect must be collected at the time provided for, and under the laws in force at the time the assessment was made, and all such taxes shall be valid and collectible the same as if this charter had not been adopted.

SEC. 177. Should the board of trustees at any time deem it necessary for the interest and protection of the city at large, or any portion thereof, or the property or health of the citizens thereof, or any other matter or thing, the object of which would be to advance the interests of the city, to contract and create any debts or obligations against the city for materials furnished and labor and services performed without having the funds in the treasury to pay the same, the said board of trustees may enter into contracts, and create debts or obligations, without interest, and are hereby empowered and authorized to levy and collect a special tax, annually or in one levy, to pay such debts and obligations, so created, and provide the mode and manner of their payment; *provided*, that no such debts, obligations, or claims shall be contracted or created against the city without first having been voted upon by the qualified electors thereof, unless expressly provided by this charter. Notice shall be given of such elections by publication for not less than two weeks theretofore, in one daily newspaper published in the city, in which notice the contemplated repairs or improvements, and the cost or estimated cost of the same, and the manner it shall be paid for, shall be distinctly stated. If two thirds of the votes cast at such election be in favor of the proposition named, then the board shall be authorized to proceed with the work and to create the liability against the city to the extent so voted for. For all debts and obligations so contracted and created the said board shall issue warrants therefor, under the seal of the city, and specifying therein the date of election by which the issuance thereof was authorized and the total amount of warrants then issued under and by virtue of such authority.

Trustees  
may create  
debt; pro-  
cedure.

SEC. 178. The aggregate amount of the bond and floating debt of the city shall never be allowed to exceed ten per cent of the value of all the real and personal property of the city, as shown on the last preceding assessment roll of the city.

## ARTICLE XX.

### IMPROVEMENT OF STREETS.

#### *Public streets.*

SEC. 179. All streets, lanes, alleys, places, and courts in said city of Vallejo, now open or dedicated to public use, and of which the grade and width have been legally established, shall be

Street  
improve-  
ment.

Street im- deemed and held to be open public streets for the purposes of  
 prove- this article.  
 ment.

*Expense of work.*

Expense, Sec. 180. The cost and expense of all work or improvements  
 how borne done upon any part of said streets, lanes, alleys, places, or courts,  
 and paid. under the orders of the board of city trustees, shall be borne and  
 paid for as follows:

First—The city shall pay out of the general fund the cost and expense of all work done upon street crossings and intersections of streets, that have been or may be accepted by the city, after the acceptance of the same; of all work done in front of, or that may be assessed to property, owned by the city, or any of the departments thereof.

Second—The cost and expense of all grading, macadamizing, paving, planking, piling, and capping any street or portion thereof, and all curbs and gutters thereon, shall be assessed upon lands within the block or blocks adjacent thereto, as herein provided.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation having railroad tracks thereon, shall be borne and paid by such person, company, or corporation.

No assessments shall be levied upon any property, which together with all assessments for street improvements that may have been levied upon the same property during the year next preceding will amount to a sum greater than fifty per cent of the value at which said property was assessed upon the last assessment book of said city.

*Accepting streets.*

Accepted Sec. 181. When any street or portion of a street, not less  
 streets to than one block, or any entire crossing shall have been paved  
 be kept in with stone, or with such material as may be recommended by  
 order by the commissioners of public works, and approved by the board  
 city. of trustees, by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or ironstone pipe shall have been constructed, as may have been adopted by said board, the same shall be accepted by the board of trustees, upon the recommendation of said commissioners, and all improvements of said streets, except for sidewalks, shall thereafter be done at the expense of the city. The board of trustees shall not accept any sidewalk, or incur any liability against said city for the construction or repair of any sidewalk, except in front of or with respect to public property.

*Applications for street work.*

Applica- Sec. 182. When application is made to said board for any  
 tion for work or improvement, the cost and expense of which, or any  
 street part thereof, is to be assessed upon private property, the board  
 improve- shall investigate the same, and if it determine that such  
 ment. improvement is expedient, it shall so report to the board of

trustees, and the board of trustees shall not order any such improvement until the same has been recommended by the commissioners of public works. The commissioners may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by the city, though no application may have been made therefor; and must make, with said recommendations to the board of trustees, an estimate of the expense, and in such case the board of trustees may order the same done.

Street  
improve-  
ment.

When said board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the board of city trustees with such recommendation. The commissioners shall not recommend, nor the board of trustees shall not authorize, any work to be done or any improvements to be made on any street, lane, alley, court or place in front of private property, except the cost of all work to be done, or improvements to be made, including incidental expenses, shall be assessed to the property so improved, except otherwise provided in this charter.

Sec. 183. The commissioners of public works may recommend the making of any repairs or improvements that they may deem necessary for the public good, but before recommending to the board of trustees the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed to private property, said commissioners shall pass a resolution of their intention to recommend the same, specifying the work to be recommended, and shall fix a day when they shall take final action upon such resolution, and within ten days thereafter the secretary of said commissioners shall, without any further authority, cause a copy of said resolution to be published in one newspaper for a period of ten days. Said board of commissioners shall cause to be conspicuously posted along the line of said contemplated improvements, at points not more than one hundred feet distant apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed, "notice of street work," in letters of no less than two inches in length, and shall, in legible characters, state the fact of the passage of said resolution, its date, and, briefly the work of improvement proposed, and refer to resolution for particulars.

Commis-  
sioners of  
public  
works may  
recom-  
mend

Sec. 184. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in, any lot liable to be assessed for the proposed improvement, may file with the secretary of the commissioners his objection to said improvement, stating briefly the ground thereof; and if at any time within said period of ten days, the owners of a majority of the frontage to the lands liable to be assessed for said improvement shall file written

Objections  
by prop-  
erty  
owners.

Street  
improve-  
ment.

objections to the same, the commissioners shall not recommend the ordering of said improvement, and shall not, within six months thereafter, pass any resolution of their intention to recommend the same, unless prior thereto they shall receive a petition therefor signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement.

Hearing of  
objections.

Upon the day fixed in their resolution of intention for final action thereon, or at their next regular meeting, the commissioners shall consider and pass upon said objections.

If the commissioners shall consider that the objections are sufficient, they shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If they shall consider that said objections are not sufficient, or if no objections are filed, the commissioners may recommend the ordering of said improvement, and must, with their recommendation, transmit to the board of trustees all objections to such recommendation that may have been filed.

At the next regular meeting after receiving from said commissioners their recommendations of such improvement, or at such time within thirty days thereafter, to which the hearing thereof by the board of city trustees may be postponed, the board of city trustees shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendations they shall consider and dispose of said objections before passing upon said recommendation. If the board of trustees shall consider the objections, or any of them, sufficient, it shall so declare by resolution. If the board of trustees consider the objections insufficient, it may, by ordinance, order the work or improvement done. Their action on said recommendation must, in each case, be certified to the secretary of the commissioners of public works, and the secretary shall thereupon enter the facts so certified in his records of street work.

*Street assessments.*

Street as-  
sessment.

SEC. 185. When any work in or upon any public street shall have been completed according to contract, the commissioners shall make an assessment to cover the sum due for the work performed and specified in the contract, including all incidental expenses, in conformity with this article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot, if known to said commissioners, and if not known the word "unknown" shall be written opposite the number or letter of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the number in the assessment, and showing the number of front feet assessed for such



work. A mistake in the name of the owner shall not invalidate the assessment.

Street  
improvement.  
Street assessment.

SEC. 186. After making said assessment said commissioners shall cause notice thereof to be published for five days, and to be delivered to the owner of each lot assessed, which notice shall state the day and hour when the commissioners will at their office take final action upon said assessment. If any of said lots are unoccupied said notice shall be posted in a conspicuous place upon said lots.

SEC. 187. If the owner of any lot affected by said assessment is dissatisfied with the action of the commissioners as to said assessment, he may appeal to the board of city trustees at its next regular meeting, or at any time within ten days after such final action, by filing with the secretary of the commissioners of public works a notice of such appeal, and thereupon the secretary shall, within two days after receiving such notice of said appeal, transmit said assessment and diagram, with said objections and notice of appeal, to the board of trustees, and said board shall, in not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections. If it shall determine that said objections are well taken, it shall direct the commissioners of public works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance.

Appeal.

If the board of city trustees shall determine that the objections to the assessment are not well taken, the clerk of said board shall certify such determination upon said assessment, and return said assessment so certified to the commissioners of public works, and thereupon said assessment shall become final and conclusive.

When said assessment shall have become final and conclusive, it, together with the diagram of the lots assessed, shall be recorded in the book of assessments. to be kept in the office of the commissioners of public works for that purpose, and the record thereof shall thereupon be signed by the president and secretary of said board, and thereafter the assessment shall be a lien upon the respective lots assessed until the same is canceled or discharged, as provided in this article, if not otherwise provided for in this charter.

SEC. 188. The expense incurred for any work authorized by this article, except for such portion of any street as is required by law to be kept in order or repair by any person, company, or corporation having railroad tracks thereon, shall be assessed upon the lots and land fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed in proportion to its frontage at a rate per front foot sufficient to cover the total expense of the work.

Expense,  
how  
assessed.

*Street crossings.*

SEC. 189. The expense of the work on all street crossings where the streets intersect each other shall be paid by the city out of the street fund.

Same..

Street  
improve-  
ment.  
Expense,  
how  
assessed.

*Other street work.*

SEC. 190. The expense of all other work, not herein specifically provided for, shall be assessed according to such rules and regulations as the commissioners of public works may have prescribed prior to the recommendation of said work.

*Manner of making assessments.*

Manner of  
assess-  
ment.

SEC. 191. In making an assessment the commissioners of public works shall act as a board, and assessment shall be authenticated by the signature of the majority of said commissioners as "commissioners of the board of public works," and every assessment so authenticated and recorded in the book of assessments shall be prima facie evidence of the correctness and regularity of all proceedings of said commissioners and of the board of trustees prior to the date of such record.

SEC. 192. Upon the recording of an assessment as aforesaid, the president and secretary of the commissioners of public works shall sign a warrant for its collection, and thereupon said assessment and diagram, with the warrant attached thereto, shall be delivered to the tax collector of said city for collection, who shall immediately give notice thereof by publication for ten days, except otherwise provided for in this charter. Said notice shall set forth in general terms the locality and character of the work or improvement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to said tax collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment, if not otherwise provided for in this charter.

SEC. 193. When the assessment upon any of the lots delinquent on said diagram shall be paid, the tax collector shall write the word "paid," together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made, and shall report the payment of said assessment to the secretary of the commissioners of public works. Upon presentation of said receipt to the secretary of the commissioners of public works he shall immediately enter upon the records of such assessment the fact and date of such payment.

Delin-  
quent as-  
sessment.

SEC. 194. After the expiration of thirty days from the first publication of said notice by the tax collector, the assessment therein named shall be delinquent, and within twenty days thereafter, having published a notice for ten days, he shall sell the land upon which said assessments are delinquent. He shall add to the amount of the assessment on each lot its portion of the cost of advertising said sale. After making such sale the tax collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the commissioners of public works, and the secretary of said commissioners shall forthwith note in the record of said assess-

ment, and opposite the number of each lot sold, the fact of payment or of the sale of said lot by the tax collector, together with the date and name of said purchaser. Said report of the tax collector shall be prima facie evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessments.

Street  
improve-  
ment.

*Sale of property for delinquent assessments.*

SEC. 195. The general revenue law of the city, in force at the time of said sale, in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws, in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

Delin-  
quent  
assess-  
ments,  
sale for.

*Payment of contractor.*

SEC. 196. When said sale is completed, the contractor shall present his demand for the work done under his contract, to the commissioners of public works, who shall act upon the same; if the said commissioners approve said demand, or any part thereof, the same must then be presented to the board of trustees, who shall pass on the same, and when audited by the auditor, shall be paid by the treasurer, out of the street fund; *provided*, that at any time before said sale, the commissioners of public works, under such regulations as they may establish, may allow partial payments to be made to the contractor, as the work progresses, not to exceed twenty-five per cent of the value of the work done by the contractor at the time.

Contractor  
to present  
demand.

*Planking, paving, and macadamizing.*

SEC. 197. The commissioners of public works may at any time, without application therefor, recommend to the board of trustees to order the planking, paving, or macadamizing of the portion of any street required by law to be planked, paved, or macadamized, by the person, company, or corporation having railroad tracks thereon. Upon such recommendation the board of trustees may, by ordinance, order such work to be done, and direct said commissioners to notify said person, company, or corporation of the fact of the passage of such ordinance. The secretary of the said commissioners shall thereupon forthwith, in writing, notify said person, company, or corporation of the passage of said ordinance; and if said person, company, or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work, and prosecute the same diligently to completion, said commissioners of public works shall invite sealed proposals for doing said work in the manner provided in the article on powers and duties of the commissioners of public works, and all the provisions of said article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and the doing of public work, shall apply to all similar proceed-

Commis-  
sioners  
may rec-  
ommend  
paving, etc.

ings taken under this section. On the completion of the work to the satisfaction of said commissioners the contractor shall be entitled to recover from such person, company, or corporation, the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action the certificate of said commissioners of the completion of said work to their satisfaction shall be prima facie evidence of the regularity of all proceedings prior thereto, and of plaintiff's right to recover in said action.

*Improvement must extend full width.*

SEC. 198. No ordinance for improvement of any street, other than for sewers, sidewalks, and curbs, except for the improvement of the streets constituting or lying along the water front of said city, and except for such work as is provided for in the last preceding section, shall be passed by the board of trustees without extending the said improvement throughout the whole width of said street.

*Definitions.*

SEC. 199. Whenever in this article the word "street" occurs it shall be held to include all streets, lanes, alleys, places, and courts which have been, or may be hereafter, dedicated to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossing of the main streets. The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, and capping; and the construction and repair of public buildings, wharves, sewers, cesspools, man-holes, culverts, drains, sidewalks, and curbs. The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing. The word "block" shall mean the blocks known or designated as such upon the maps and books of the assessor. The word "pave" shall include any pavement of stone, iron, wood, or other material which the board of trustees may, by ordinance, order to be used. The term "expense" shall include the price at which the contract was awarded, and the term "incidental expense" shall include all expenses incurred in printing and advertising the work contracted for; charges for advertising shall be no greater on any work, or any part of any work, ordered done by the board of city trustees, or any other board having authority to order work done, than is charged for what is known as "city printing," and no board or court shall allow any greater charge to be collected.

All notices and resolutions required in this article to be published shall be published daily in one newspaper published in the city, for the full period required by the ordinance providing for the said publication; *provided*, that Sundays or legal holidays shall not be counted as days of publication.

All notices required herein to be served, whether by delivery

Street im-  
provement

Improve-  
ment must  
extend full  
width.

Defini-  
tions.  
"Street."

"Improve-  
ment."

"Main  
street."

"Block."

"Pave."

"Expense"

Publica-  
tion of  
notices, etc.

or posting, may be served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the newspaper in which the notice was published, or of his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

Street improvement

*Changing grade of accepted streets.*

SEC. 200. When any street shall have been graded, paved, or otherwise improved in accordance with the terms of this charter, and the costs of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street, unless on the petition of the owners of three fourths of the property fronting on said street. Upon the filing of said petition with the city clerk, the board of trustees shall refer the same to the commissioners of public works, which shall determine whether the improvement described would be a public benefit, and shall report their decision to the board of trustees. If the report of said board should favor granting the request of the petitioners, the board of trustees shall proceed in the manner specified hereinafter.

Change of grade.

*New streets, public grounds, etc.*

SEC. 201. In all cases where land in said city shall be hereafter subdivided and laid out into blocks or plots, with 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 commissioners of public works for their approval; and if the commissioners approve the same, such approval shall be by them indorsed upon said map or plat, and said map, with said approval, shall then be filed in the office of the recorder of Solano county; and without such approval indorsed thereon no map or plat shall be filed in the office of said recorder, or shall have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense, without such approval, indorsement, and filing.

New streets, etc.

*Emergency repairs.*

SEC. 202. Said commissioners shall cause to be made all urgent repairs upon accepted streets, that may from time to time be requisite for public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as is in this charter provided; but when the cost and expense of such repairs upon any accepted street, or portion of a street, shall exceed the sum of two hundred dollars, exclusive of material to be furnished from the corporation material yard, if there be any such material on hand, the same shall be done under contract, awarded in the manner provided in this charter

Emergency repairs.

Street im-  
provement

All work required to be done on any street, or part of any street, in said city which has not been accepted, shall be done at the expense of the owners of the property fronting on said street, or part of said street, and in the manner provided in this article; *provided*, that the board of trustees may provide for such repairs on unaccepted streets as the commissioners of public works may recommend as necessary to public safety; *provided, also*, that no greater sum than five hundred dollars shall be expended for that purpose in any one year.

*Contracts for material and supplies.*

Contracts.

SEC. 203. Said commissioners shall, from time to time, after they have been directed to do so by the board of trustees, by ordinance, invite proposals for supplying to the city such materials as may be required for the repair of public streets, or for any improvement thereon, and such proceedings shall be had in awarding the contract therefor, as are in this charter provided for awarding other contracts.

*Corporation yard.*

Corpora-  
tion yard.

SEC. 204. The board of trustees shall select some place in said city which shall be known as the "corporation material yard," wherein shall be kept all material, tools, and implements to be used in cleaning and repairing the streets, or for any improvement thereto. Said yard shall be under the control of the commissioners of public works.

*Serial bonds for street improvement.*

Serial  
bonds.

SEC. 205. Whenever the board of trustees shall find, upon the estimates of the commissioners of public works, that the cost of any proposed work or improvement authorized by this charter will be greater than one dollar per front foot along each line of street so proposed to be improved, including the cost of intersection work assessable on said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement; said bonds to be issued, and the work to be done, in accordance with the provisions of an act of the legislature of the state of California, 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.

Said serial bonds shall extend over a period not exceeding ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January of every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed seven per cent per annum, on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer, who shall keep a

fund designated by the name of said bonds, into which he shall receive all moneys paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon presentation of said coupons; and under no circumstances shall the said bonds or the interest thereon be paid out of any other fund. Said treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee, and indorser of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon paid.

Street im-  
provementSerial  
bonds.

SEC. 206. All work on the public streets in the city, as embraced in the 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 18th, 1885; and all acts amendatory thereof, or supplementary thereto, shall be done by authority of the trustees, and in conformity with the provisions of the said act, except as otherwise provided for in this charter.

*Sewers and drainage.*

SEC. 207. The commissioners of public works shall devise subject to the approval of the board of health, a general system of drainage, which shall embrace all matters relative to the thorough, systematic and effective drainage of the city, and shall from time to time make to the board of trustees such recommendations upon the subject of sewerage and drainage as it may deem proper.

Sewers and  
drains.

SEC. 208. The commissioners of public works shall prescribe the location, form and material to be used in the construction, reconstruction, and repair of all public sewers, manholes, sinks, drains, cesspools, and all other appurtenances belonging to the drainage system, and every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 209. The commissioners shall recommend to the trustees rules and regulations concerning the public and private sewers and drains in the city, and upon recommendation of said commissioners, the board of trustees are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 210. No person shall connect with, or open, or penetrate any public drain or sewer without first obtaining a permit in writing from said commissioners of public works and complying with the rules and regulations of the commissioners in relation thereto.

SEC. 211. Within one year after this charter shall go into operation, the board of trustees shall by ordinance provide that all premises along any street, or part of a street, in which there is a public sewer, shall connect with said public sewer. Upon the approval of said ordinance the commissioners of public works shall give notice, by publication in one newspaper published in this city, for ten days, that all premises on any street, or part of a street, having a public sewer in it, must be

Street im-  
provement

Sewers and  
drains.

connected by such drain or sewer as may be approved by the board of public health; should any owner of any of said premises fail or neglect to have said connection made within six months from the date of the last publication of said notice, the commissioners of public works shall proceed to, and make, such connections as they may deem proper, and all cost of making such connection shall be charged against the property, and shall be collected in the manner that all taxes or assessments are collected.

SEC. 212. Whenever the commissioners of public works make any connection under the provisions of this article, they shall prepare a bill which shall give the exact amount of cost of said work, and the secretary of the commissioners shall furnish the owner of the premises and the tax collector each with a copy, and the commissioners shall retain on their file a copy of the same.

SEC. 213. The board of trustees shall have power to require, upon such notice as the board may direct, any lots, or portion of lots, within the city, which may be covered with stagnant water a portion of the year, to be filled up to such a level or grade as will prevent the same from being covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon.

## ARTICLE XXI.

### MISCELLANEOUS.

#### *Illegal approval of demands.*

Illegal de-  
mands, ap-  
proval of.

SEC. 214. 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 bonds, for the amount of the demand so illegally approved, allowed, or paid.

#### *Buildings upon wharves.*

Wharves,  
etc.

SEC. 215. No person, company, or corporation shall erect or maintain any building or structure upon any wharf upon which there is a franchise, without the consent of the board of trustees evidenced by ordinance, and said ordinance must clearly set forth the purpose for which such building or buildings are intended to be used, and if the proposed building or structure is to be used and maintained for the transaction therein of any business that cannot be lawfully conducted without a special permit, or license, the board of trustees shall have no power to pass such an ordinance; and if any such building or structure shall be on any wharf within the city limits, and if maintained or used for the transaction of any other business than that which is set forth in the franchise, or that requires to be licensed, when this charter goes into effect, the board of city trustees shall, by ordinance, order said building or structure removed within a definite time, to be specified in said ordinance, and if the owner or person in control of the same



shall neglect or refuse to remove it within the specified time, then the commissioners of public works shall remove the same, and the owner shall have no claim against the city for damage, upon account of said removal.

*Remuneration of officials for expenses incurred.*

SEC. 216. Whenever it shall become necessary for the interests of the city that any member of the board of trustees, commissioners of public works, library trustees, or chief of the fire department should be called upon to perform any duty for the city which involves travel and incidental expenses in connection therewith, or to incur any other necessary expense, the member or members of such boards, or the chief engineer of the fire department, shall get an order or permit to incur such expense from the mayor, upon such form as may be adopted; on the completion of such duty such member of such boards, or the chief engineer of the fire department, shall render an itemized bill to the board of trustees, and upon approval of the same by the board, and being audited by the city auditor, it shall be paid by the treasurer as in this charter provided.

Expenses  
of officials

*Limit of indebtedness.*

SEC. 217. No board within the city of Vallejo 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 of the city voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

Limit of  
indebted-  
ness.

*Amendments to the charter.*

SEC. 218. Whenever there shall be presented to the trustees a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or municipal election, asking that amendment or amendments to this charter, to be set out in such petition, be submitted to the people, the board must submit to the vote of the electors of the city the proposed amendment or amendments.

Amend-  
ments to  
charter.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The board of election commissioners must make all necessary provisions for submitting the proposed amendment or amendments to the electors at a special election to be called by

it, and shall canvass the vote in the same manner as in other cases of election.

To be voted upon.

All the provisions of the constitution of the state embracing the subject in this section provided for, are hereby expressly applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this charter may be amended, then the aforesaid amendment or amendments must be submitted by the board of election commissioners to the vote of the electors of the city at the election which next ensues after such petition is filed with the trustees, if any such election is not to be held within sixty days after the filing of such petition.

Special election.

The tickets used at such election shall contain the words "for the amendment" (stating the nature of the proposed amendment) and "against the amendment" (stating the nature of the proposed amendment).

Three-fifths vote.

If three fifths of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the board of election commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon this charter shall be amended accordingly.

*Former city ordinances.*

Ordinances continued in force.

SEC. 219. All city ordinances, resolutions, and other regulations now in force and not inconsistent with the provisions of this charter, shall be and remain in full force after this charter takes effect until changed or repealed by the proper authority.

#### CERTIFICATE.

Certificate of freeholders.

We, the undersigned members of the board of freeholders of the city of Vallejo, elected at the regular municipal election held on the twenty-first day of March, eighteen hundred and ninety-eight, have prepared and do hereby propose as a charter for said city the foregoing, consisting of twenty-one articles, and two hundred and nineteen sections.

Done in duplicate at the city of Vallejo, this seventeenth day of June, Anno Domini eighteen hundred and ninety-eight.

E. B. HUSSEY.  
 W. T. KELLEY.  
 J. R. WHITAKER.  
 J. J. LUCHSINGER.  
 JAS. A. LAMONT.  
 D. W. HARRIER.  
 GEO. W. EDGCUMBE.  
 SAMUEL BROWN.  
 JOHN MINAHAN.  
 J. H. BRENNAN.  
 S. J. McKNIGHT.  
 H. L. HALLIDAY.  
 GEO. J. CAMPBELL.  
 WM. C. GREEVES.  
 CORNELIUS McCAULEY.

Attest: GEO. A. RONEY, Secretary.

STATE OF CALIFORNIA,  
 COUNTY OF SOLANO, CITY OF VALLEJO. }

This is to certify that we, W. B. Pressey, president of the board of city trustees of the city of Vallejo, and C. F. Mugridge, city clerk of said city of Vallejo, 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.

Certificate  
 of city  
 officials.

Dated Vallejo, Cal., January 14, 1899.

W. B. PRESSEY,  
 President of board of city trustees of the city of Vallejo.

C. F. MUGRIDGE,  
 City clerk of the city of Vallejo.

#### CHAPTER VI.

*Senate Joint Resolution No. 9, relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine county, or in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.*

[Adopted February 3, 1899.]

WHEREAS, The late President Cleveland when in office created and established the Stanislaus forest reserve, which reserve covers a large portion of the county of Alpine, state of California; and

Preamble.

WHEREAS, The larger portion, if not the whole, of said Stanislaus forest reserve in said Alpine county is in no sense covered with such forest timber or other growth as is contemplated by congress or the executive in the establishing of forest reserves; and

WHEREAS, The destruction of timber or undergrowth in said portion of the Stanislaus forest reserve is impossible, because said reserve is not covered with great forests of timber, and forest fires are impossible on account of the lateness of the disappearance of snow in that section; and

WHEREAS, In the past twenty-five or thirty years the presence of camp fires, tourists, stockmen, and others has not resulted in any disastrous fires in said portion of said reserve; and

WHEREAS, The closing of the lands embraced in said reserve in the county of Alpine to the pasturage of sheep will be of great injury to said county and to the hundreds of people engaged in said industry in said county, as well as to its merchants and others who have heretofore furnished supplies to said stockmen; now, therefore, be it

Favoring  
abrogation  
of Stanis-  
laus forest  
reserve in  
Alpine  
county.

*Resolved by the senate and assembly, jointly,* That our senators in congress be instructed, and our representatives be requested, to urge upon the commissioner of the general land office and the president of the United States the injustice to all the interests hereinbefore mentioned of further continuing said Stanislaus forest reserve in said county of Alpine; to obtain the abrogation or suspension of said reserve in so far as the same extends over Alpine county; and, if said abrogation or suspension of said reserve cannot be had, to obtain from the honorable commissioner of said general land office permission for the pasturage of sheep for the year eighteen hundred and ninety-nine in the portion of said reserve in said Alpine county.

*Resolved,* That a copy of this resolution be immediately forwarded, by mail, by the secretary of the senate to our representatives in congress.

## CHAPTER VII.

*Senate Joint Resolution No. 10, relative to construction and ownership of Nicaragua canal.*

[Adopted February 3, 1899.]

**Preamble.** WHEREAS, The construction of the Nicaragua canal would be of immense value to the people of the Pacific coast, and especially to the people of the state of California, as it would afford greater protection to this coast in time of war, open new lines of trade and commerce in time of peace, tend to cheapen transportation to foreign and Atlantic seaboard markets, build up new enterprises everywhere within our state, and largely tend to maintain old ones, greatly increase our population, and thus enhance our wealth and multiply our resources, and establish a shorter line of oceanic communication between the United States and its possessions in the Orient; and

WHEREAS, There is now pending in the congress of the United States a measure providing for the construction of the Nicaragua canal by the United States government;

Favoring  
government own-  
ership of  
the Nicara-  
gua canal.

*Resolved by the senate of the state of California, the assembly thereof concurring,* That our senators in congress be instructed, and our members of the house of representatives of the United States be requested, to earnestly support the passage of this measure; and be it further

*Resolved,* That we favor the absolute ownership and operation of the said Nicaragua canal by the United States government.

*Resolved,* That his excellency the governor is hereby requested to forward to each of our senators and representatives in congress a copy of this resolution.

## CHAPTER VIII.

*Senate Concurrent Resolution No. 4, relative to the appointment of committees to draft resolutions to the memory of the late Hon. John Boggs.*

[Adopted February 4, 1899.]

WHEREAS, In the dispensation of Divine Providence, a sad duty has this day fallen to our lot, arising from the death of our esteemed colleague, Hon. John Boggs; therefore, be it

*Resolved by the senate, the assembly concurring,* That the president of the senate appoint three members of the senate, and the speaker of the assembly appoint three members of the assembly, to act as a joint committee to draft suitable resolutions in memory of our late honored and esteemed colleague, Hon. John Boggs. In memory of Hon. John Boggs.

## CHAPTER IX.

*Senate Joint Resolution No. 12, relative to improvement of San Pablo bay.*

[Adopted February 6, 1899.]

WHEREAS, It has been determined, as a result of an official survey of the Coast and Geodetic Survey, as shown on their chart of August, eighteen hundred and ninety-eight, that a shoal exists in San Pablo bay, between Lone Tree Point and Point Pinole; and Preamble.

WHEREAS, San Pablo bay is the waterway between the Golden Gate and Carquinez straits, having commerce aggregating millions of dollars annually;

THEREFORE, In the interest of commerce, the development of the state as a whole, and to insure the safety of our naval vessels going to and coming from Mare Island navy yard, be it

*Resolved by the senate and assembly, jointly,* That our senators in congress be instructed, and our representatives requested, to use all their efforts to have the necessary dredging done and to secure an appropriation therefor. Favoring dredging of San Pablo bay.

*Resolved,* That a copy of these resolutions be forwarded by the secretary of the senate to our representatives in congress.

## CHAPTER X.

*Senate Concurrent Resolution No. 6, relative to the consent of the legislature to the absence from the state of the lieutenant-governor of the state, Hon. Jacob H. Neff, for a period not to exceed six months.*

[Adopted February 9, 1899.]

Lieutenant-Governor Neff granted six months' leave from state.

*Resolved by the senate, the assembly concurring,* That the legislature of the state of California has consented, and does hereby consent, that the lieutenant-governor of the state of California, the Honorable Jacob H. Neff, 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.

## CHAPTER XI.

*Senate Joint Resolution No. 8, relative to the irrigation of arid lands.*

[Adopted February 9, 1899.]

- Preamble.** WHEREAS, There are many thousand acres of land within the confines of the state of California that are at present lying idle, uninhabited, and of no assessable value; and
- WHEREAS, A supply of water for irrigating purposes would render these lands susceptible of the highest cultivation, and a source of revenue to the government; and
- WHEREAS, The expense of securing such a supply of water by the building of storage reservoirs is far beyond the means of the state, and as the result of such work is of great value to the federal government, in reclaiming and making salable large tracts of said land and thereby making them a source of revenue; and
- WHEREAS, The money necessary for such work should properly be appropriated by congress; now, therefore, be it

Favoring irrigation of arid lands.

*Resolved by the senate of the state of California and the assembly, jointly,* That our senators in congress be instructed, and our representatives be earnestly requested, to use their best endeavors to secure an appropriation from the federal government to provide for the necessary surveys and estimates for the diverting of rivers and streams and the construction of reservoirs for the storage of water, in order that some of our lands, at present arid and worthless, may be irrigated and thereby rendered suitable for cultivation and a source of revenue to the United States as well as to the state of California.

*Resolved*, That the secretary of the senate be directed to transmit to each of our representatives and senators in congress a copy of these resolutions.

## CHAPTER XII.

### *Senate Joint Resolution No. 7, relating to false branding of food products.*

[Adopted February 11, 1899.]

WHEREAS, It has become known to the people in the state of Preamble.

California that many of their staple articles of production that commend themselves to the consumers of the world by reason of their purity and quality, markets for which have only been obtained by the expenditure of much time and energy, are being counterfeited by unscrupulous persons in many parts of the union, by the substitution for the pure California product of certain mixtures or articles not the product of California, and labeling the packages containing them as being a pure product of California; and

WHEREAS, The subject of false branding and labeling of articles of food and beverages is recognized by producers and consumers throughout the civilized world as being of vital importance to commerce and the health of the people, being especially so to the producers of California, who by reason of their large annual output seek foreign markets for their surplus products, and who find that the good name and reputation of their goods are seriously injured in the markets of the world, and the trade therein restrained, by reason of such false branding and labeling; and

WHEREAS, This condition is fully met by the provisions of a bill entitled "A bill for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the several states, the District of Columbia and the territories, and for regulating interstate traffic therein and for other purposes," introduced in the national house of representatives by Hon. Marriot Brosius (H. R. 9154) and in the senate by Hon. Charles J. Faulkner (S. No. 4144) and indorsed by the national pure food congress, which makes such false branding and labeling a misdemeanor, section five of which provides that the term "misbranded" as used therein "shall include all drugs, or articles of food, or articles which enter into the composition of foods or condiments, the package or label of which shall bear any statement purporting to name any ingredients or substances as not being contained in such article, which statement shall be false in any particular, or any condiment or food product which is falsely branded as to the state or territory in which it is manufactured or produced"; therefore, be it

Bill to prevent adulterations.

Indorsing  
Faulkner  
and Brosius  
bills  
in con-  
gress.

*Resolved by the senate and assembly jointly, That we hereby instruct our senators and request our representatives in congress from this state to urge, by all possible means, the passage of the Faulkner and Brosius bills by congress at an early date; and be it further*

*Resolved, That the secretary of state is hereby instructed to forward certified copies of the foregoing resolutions to the senators and representatives from this state in the fifty-fifth and fifty-sixth congresses.*

### CHAPTER XIII.

*Senate Joint Resolution No. 15, relative to Brigham H. Roberts.*

[Adopted February 11, 1899.]

Preamble. WHEREAS, One Brigham H. Roberts has been chosen by the voters of Utah as a member of the house of representatives; and

WHEREAS, Brigham H. Roberts has been convicted and sentenced to prison for the crime of unlawful cohabitation, and is notoriously living in a state of polygamy in defiance of the moral sense of the nation; and

WHEREAS, Brigham H. Roberts, in his practices, is but representative of the principles of the Mormon hierarchy, and his reception by congress will be taken as an evidence that the assaults of the Mormon hierarchy on the basic principle of the family life of the nation are received with toleration, if not with approval; now, therefore, be it

Repudiating  
Brigham H.  
Roberts as  
member of  
congress.

*Resolved by the senate, the assembly concurring, That we urge the house of representatives to deny participation in its counsels to Brigham H. Roberts; and further, be it*

*Resolved, That we request congress to submit to the legislatures of the several states an amendment to the constitution forbidding polygamy within the United States, or in any place subject to their jurisdiction, and making a polygamist ineligible to public office.*

### CHAPTER XIV.

*Senate Concurrent Resolution No. 7.*

[Adopted February 14, 1899.]

Commending  
California  
troops in  
Philippines.

*Resolved by the senate of the state of California, the assembly concurring (a majority of all the members elected to each house voting for and concurring herein), That the secretary of the senate send immediately by telegraph to the California troops at Manila the following: The words, "Well done, California."*



## CHAPTER XV.

*Senate Concurrent Resolution No. 5, relative to private office for lieutenant-governor.*

[Adopted February 15, 1899.]

WHEREAS, A room and apartment has heretofore been set apart Preamble.  
for the use of the lieutenant-governor of this state during the sessions of the legislature; and

WHEREAS, Said room has been used by other departments of the state during the interim of the sessions of the legislature; and

WHEREAS, It is proper that the lieutenant-governor should have set apart for his use, at any and all times, an office in the state capitol building; therefore, be it

*Resolved by the senate, the assembly concurring, That the secretary of state be and he is hereby requested to set apart for the lieutenant-governor a room in the state capitol building to be known as the office of the lieutenant-governor; said room to be reserved for the exclusive use of the lieutenant-governor, and to be under his control at all times.* Office for lieutenant-governor.

## CHAPTER XVI.

*Assembly Constitutional Amendment No. 6, to propose to the people of the state of California an amendment to the constitution of the state, amending article thirteen by adding a new section thereto, to be known as section number one and one half, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings.*

[Adopted February 17, 1899.]

*Resolved by the assembly, the senate concurring, That the legislature of the state of California, at its regular session, commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of all members elected to each house concurring, hereby proposes that article thirteen of the constitution of said state be amended by adding thereto a new section, to be known as section number one and one half, which shall read as follows, to wit:*

Section 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be Exemption of church property from taxation.

free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

## CHAPTER XVII.

*Assembly Concurrent Resolution No. 13, approving the charter of the city of Santa Barbara, a municipal corporation in the county of Santa Barbara, 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 20th day of September, 1898.*

[Adopted February 20, 1899.]

Charter of  
city of  
Santa  
Barbara.

WHEREAS, The city of Santa Barbara, a municipal corporation in the county of Santa Barbara, state of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, and less than ten thousand inhabitants; and

WHEREAS, At a general municipal election duly held in said city on Monday, April fourth, eighteen hundred and ninety-eight, under and in accordance with law and the provisions of section eight of article eleven of the constitution of said state of California, 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 the thirtieth day of June, one thousand eight hundred and ninety-eight, 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 Barbara county; and

WHEREAS, Such proposed charter, together with the two alternative propositions, were then published in one daily newspaper of general circulation in said city, to wit: the "Morning Press," for more than twenty days, and the first publication was made within twenty days after the completion of said charter; and

WHEREAS, Within less than thirty days after the completion of said charter, as required by said section eight, article eleven of said constitution, to wit: on the twentieth day of September, eighteen hundred and ninety-eight, said charter and said alternative propositions were submitted by the legislative authority of said city of Santa Barbara, to wit: the mayor and common council thereof, to the qualified electors of said city, at a special election previously duly called, and then held therein, for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting alternative proposition number one, or alternative proposition number two, published with said charter, and presented

with said charter for the choice of said voters, and to be voted on separately, said alternative proposition being as follows:

*Alternative Proposition No. 1.*

Section 18. The mayor shall be entitled to receive as his compensation for all his official duties the sum of six hundred dollars per annum, and each member of the council be entitled to receive for his services the sum of three hundred and sixty dollars per annum.

Alternative proposition No. 1. Salaries of mayor and council.

*Alternative Proposition No. 2.*

Section 18. The mayor and members of the council shall receive no compensation whatever for their services. And

Alternative proposition No. 2. Same.

WHEREAS, The returns of said election were duly canvassed by the said mayor and common council of said city of Santa Barbara, at a meeting held on the twenty-sixth day of September, eighteen hundred and ninety-eight (which such meeting was duly convened); and

WHEREAS, At said special election, a majority of such qualified electors of said city, voting at such special election, voted in favor of a ratification of such charter, as proposed, as a whole; and alternative proposition number one (allowing compensation to the mayor and council) was also ratified at the same time and in the same manner, and received a majority of the votes of the qualified electors of said city, voting at such special election, and thereupon became section eighteen of article three of said proposed charter; said alternative proposition number two being rejected, and failing to receive a majority of the votes cast by the electors at such special election; and

Proposition No. 1 ratified.

WHEREAS, Said mayor and common council, after canvassing said returns, duly found and declared that a majority of such qualified electors, voting at such special election, had voted for and ratified said charter, and had also voted for, adopted and ratified said alternative proposition number one; and

Charter ratified.

WHEREAS, Said charter as so constituted by its ratification as a whole, and by the ratification of said alternative proposition number one, 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 section eight of article eleven of the constitution of said state; and

WHEREAS, The said charter so ratified is in words and figures following, to wit:

CHARTER FOR THE CITY OF SANTA BARBARA.

Prepared and proposed by the Board of Fifteen Freeholders, elected April 4, 1898, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

BOUNDARIES AND WARDS, RIGHTS AND LIABILITIES, AND CORPORATE POWERS.

City of  
Santa  
Barbara—  
bound-  
aries.

SECTION 1. The municipal corporation now existing known as the city of Santa Barbara shall continue to be a municipal corporation under the name of "City of Santa Barbara," and its territory shall continue to consist of the same territory that is contained within its present boundaries, to wit: Commencing at the southwest intersection of Robbins and Mission streets; thence running northeast on the westerly line of Mission street to the northern boundary of the pueblo lands of Santa Barbara, as established by the final survey and patent of said lands by the government of the United States; thence easterly on the said boundary line to a point opposite the easterly line of Salinas street; thence southeast along the course of Salinas street to the intersection of Salinas and Carpenteria streets; thence along the easterly line of Salinas street to a point in the Santa Barbara channel, one half mile distant from the shore; thence westerly, parallel with and one half mile distant from the shore, to a point opposite the southwest line of Robbins street; thence northwest, following the direction of the southwest line of Robbins street, to place of beginning. Said boundaries may be changed and other territory added to the city in such manner as may be provided by law.

Wards.

SEC. 2. The city of Santa Barbara is hereby divided into seven wards, numbered consecutively from one to seven, inclusive, the respective boundaries of which shall be as follows, to wit:

First ward.

1. The first ward shall embrace all that portion of the city which is situated southeast of the middle line of Cota street and northeast of the middle line of Anacapa street.

Second ward.

2. The second ward shall embrace all that portion of the city which is situated southeast of the middle line of Cota street and southwest of the middle line of Anacapa street.

Third ward.

3. The third ward shall embrace all that portion of the city which is situated between the middle line of Cota street, the middle line of Cañon Perdido street and northeast of the middle line of State street.

Fourth ward.

4. The fourth ward shall embrace all that portion of the city which is situated between the middle line of Cota street, the middle line of Cañon Perdido street and southwest of the middle line of State street.

5. The fifth ward shall embrace all that portion of the city <sup>Fifth ward.</sup> which is situated between the middle line of Cañon Perdido street, the middle line of Sola street and northeast of the middle line of State street.

6. The sixth ward shall embrace all that portion of the city <sup>Sixth ward.</sup> which is situated between the middle line of Cañon Perdido street, the middle line of Sola street and southwest of the middle line of State street.

7. The seventh ward shall embrace all that portion of the <sup>Seventh ward.</sup> city which is situated northwest of the middle line of Sola street.

SEC. 3. 1. The said city of Santa Barbara shall continue to have, hold and enjoy all property, real and personal, archives, records, revenue, rights of property and rights of action of every nature and description, belonging or appertaining to the present city of Santa Barbara. And it shall be subject to all the obligations and duties of the existing municipality. <sup>Corporate rights.</sup>

2. Suits, actions and proceedings may be brought in the name of the corporation for the recovery of any property, money or thing belonging thereto in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, said corporation, whether made or arising or accrued before or after the adoption of this charter; and all existing suits, actions and proceedings in the county or elsewhere, to which said corporation is a party, shall continue to be carried on by or against said corporation.

SEC. 4. Said corporation shall have power:

1. To make and use a corporate seal and the same to alter at pleasure. <sup>Corporate powers.</sup>

2. To sue and defend in all actions and proceedings whatever.

3. To have perpetual succession.

4. To acquire, receive, hold and enjoy real and personal property within and without its territory, necessary or convenient for municipal purposes or for the exercise of the powers granted to said corporation, and sell, convey and dispose of the same for the common benefit.

5. To receive bequests and gifts of all kinds of property, either within or without its corporate territory, in fee simple, or in trust for charitable or other public purposes, and do all acts necessary to carry out the purposes of such gifts, bequests or trusts.

6. And in addition to such other powers as are enumerated in section forty-three, in article four of this charter, to be delegated for their exercise to the council, it shall have power, upon a two-thirds affirmative vote of the electors thereof:

(a) To create indebtedness not exceeding in all ten per cent of the assessed valuation of the property of the inhabitants of the territory of the corporation made for the purposes of taxation.

(b) To levy taxes exceeding the limit permitted in this charter to be levied by the council.

(c) And it shall have power, upon the majority vote of the electors thereof, to levy special taxes to establish and maintain kindergarten, manual training and high schools, and to erect school buildings.

## ARTICLE II.

### OFFICERS AND ELECTIONS.

**Elections.** SEC. 5. Elections to be held in said city, for the purpose of electing officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special municipal elections.

SEC. 6. General municipal elections shall be held biennially on the first Tuesday in December, commencing with the first Tuesday in December, eighteen hundred and ninety-nine.

**Elective officers.**

SEC. 7. At each general election there shall be elected a mayor, seven members of the council, city clerk (who shall be ex officio auditor and assessor), city treasurer (who shall be ex officio city tax collector), police judge, city attorney, school trustees as hereinafter provided, and five trustees of the public library.

**Non-elective officers.**

SEC. 8. The non-elective officers of the city of Santa Barbara shall consist of a chief of police and a city engineer, who shall be ex officio superintendent of streets.

**Election laws.**

SEC. 9. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the law of the state for the holding of general elections in effect at the time, and the council shall make all the necessary arrangements for holding said elections in accordance therewith.

**Elections to be called by ordinance.**

SEC. 10. The council of said city shall, by ordinance, order the holding of elections. Such ordinance shall specify the objects and time of, and the place or places within the limits of each ward for holding such election, and the names of the inspectors, judges of election, clerks, and ballot clerks for each ward, or precincts of each ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election. Said ordinance shall be published daily in some daily newspaper printed and published in said city, for at least fifteen days next before the time appointed for the holding of the election.

**Election returns.**

SEC. 11. Returns of all elections shall be made to the council, who shall, within ten days thereafter, either at a regular or special meeting, and in accordance with the laws of the state, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the city clerk to the persons so declared elected.

**Officers, term of office, etc.**

SEC. 12. The officers elected at a general municipal election, except school trustees, who are hereinafter provided for, shall, after they have qualified as provided for in this charter, enter upon the duties of their respective offices on the first Monday

in January next succeeding their election and shall hold office for the term of two years, and until their successors are elected and qualified. Officers elected at any special election to fill a vacancy, shall, after qualifying as herein provided, enter at once upon the duties of their offices, and shall hold office for the remainder of the term and until their successors shall have been elected and qualified.

SEC. 13. The present officers of the city shall continue to hold and exercise their respective offices until the first Monday in January, nineteen hundred, and thereafter until the election or appointment and qualification of the first officers to be elected or appointed under this charter.

SEC. 14. In establishing election precincts, the council shall make them correspond with the wards into which the city is divided; *provided*, that the council may divide any ward into two or more precincts. Election precincts.

SEC. 15. Only such persons residing in the city whose names appear upon the great register of Santa Barbara county at the time of any municipal election shall be entitled to vote at such election; and to this end and extent, said great register is hereby adopted as the register of voters in and for the city. Qualifications of electors.

SEC. 16. The qualifications of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general state election in force at the time of such election.

SEC. 17. The certificate of election issued by the city clerk must be authenticated with the seal of the city and attested by the city clerk. No other authentication shall be necessary.

### ARTICLE III.

#### SALARIES, BONDS AND QUALIFICATIONS OF OFFICERS.

SEC. 18. (This section shall be in the language of which-ever alternative proposition shall be adopted by the vote of the people at the election at which this charter is submitted.) Salaries.

SEC. 19. The other officers and employés of the city shall receive compensation as follows:

City clerk, and as auditor, nine hundred dollars per annum; and for his compensation as assessor, seventy-five dollars per month for four months each year, commencing with the month of March.

City engineer, for all services as such, and as superintendent of streets, one thousand two hundred dollars per annum.

Chief of police, one thousand dollars per annum.

City attorney, one thousand two hundred dollars per annum.

Police judge, such fees as are now or may hereafter be provided by law for justices of the peace in the county of Santa Barbara for similar services.

Treasurer, three hundred dollars per annum and an additional compensation as tax collector of three hundred dollars per annum, and five per cent on all license taxes collected.

**Salaries.** School trustees and trustees of the free public library shall receive no compensation whatever for their services as such trustees; *provided*, that the secretary of the board of education may receive a compensation for his services as such secretary, to be fixed by said board, at not exceeding twenty dollars per month.

SEC. 20. The salaries of all other officers, and compensation of all employes other than those herein named, except where otherwise expressly provided, in this charter, shall be fixed by ordinance by the council.

SEC. 21. All salaries shall be payable in equal monthly installments, except as herein otherwise provided.

**Official bonds.**

SEC. 22. Every officer provided for in this charter shall, within ten days after receiving his certificate of election or appointment, qualify by filing a bond as hereinafter provided, and by taking and subscribing to the following oath or affirmation:

**Oath of office.**

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the state of California, and that I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

SEC. 23. The following-named officers shall execute to the city of Santa Barbara bonds in the following sums, respectively, conditioned for the faithful discharge by them of the duties of their respective offices, and the following sums, respectively, to wit:

**Amount of bonds.**

City clerk (ex officio auditor and assessor), five thousand dollars.

Treasurer and tax collector, forty thousand dollars.

City attorney, five thousand dollars.

City engineer, five thousand dollars.

Chief of police, five thousand dollars.

Police judge, five hundred dollars.

The bonds of all officials, after approval by the city attorney as to form, shall be approved by the mayor and council.

All such bonds shall be executed by at least two sureties for the full amount of the bond; *provided*, that any corporation authorized by the laws of this state to become surety on official bonds shall be accepted as sole and sufficient surety upon such bonds; *and provided further*, that when the penal sum of any bond herein required to be given amounts to more than one thousand dollars, the sureties may become severally liable for portions of not less than five hundred dollars thereof, making in the aggregate at least two sureties for the whole penal sum.

The bond of the city clerk shall be filed with the mayor, and all other bonds shall be filed with the city clerk.

SEC. 24. The council may, by ordinance, increase the amount of the bond hereby required from any officer, but may not decrease the same, and may require a bond to be given by any officer not herein required to give a bond, and may fix its amount.



## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

SEC. 25. The legislative power of the city of Santa Barbara shall be vested in a council of seven members, whose term of office shall be two years; *provided*, that such legislative power shall be exercised subject to the veto power of the mayor, and to his right to the casting vote in case of a tie vote. City council.

SEC. 26. One member of the council shall be elected from each of the several wards of the city by the electors thereof; and no person shall be eligible to the office of councilman who has not resided in said city for three years prior to his election and is not twenty-five years of age. Members.

SEC. 27. Any vacancy occurring in the office of councilman shall be filled by appointment by the mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of the council, and shall hold office until the election and qualification of his successor, which election shall take place at the next succeeding general municipal election. Vacancies.

SEC. 28. The council shall meet in the city hall of the city on the first Monday in January succeeding their election, and at such other times as may be designated by ordinance. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the mayor or four members of the council. Four members of the council shall constitute a quorum, and the affirmative vote of four members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than four may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the council may by ordinance prescribe. Meetings.

SEC. 29. The council shall elect one of its members, who shall be styled the president of the council, and who shall preside at all meetings of the council during the absence of the mayor, and shall, in case of the sickness or inability of the mayor, or his absence from the city, act as mayor of the city. President of council.

The president of the council shall be ex officio chairman of the finance committee, and shall, together with two other members of the council, to be appointed by the mayor, constitute the finance committee of the council.

The council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct committed in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members. It shall have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding ten days, or by both such fine and imprisonment. Rules and powers.

Oaths, etc. SEC. 30. The president of the council, the chairman of each committee, and each and every elective officer shall have the power to administer oaths and affirmations relative to any business brought before the council, or under consideration by its committees or their respective departments.

Journal of proceedings. SEC. 31. The meetings of the council shall be held at the city hall of the city; they shall be public, and a journal of its proceedings shall be kept by the city clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, ordering work to be done or supplies furnished, the ordering of assessments for street improvements or building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

Ordinances. SEC. 32. The enacting clause of all ordinances shall be in these words: "The council of the city of Santa Barbara do ordain as follows."

SEC. 33. No ordinances shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.

SEC. 34. Every ordinance shall embrace but one subject, which shall be clearly expressed in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 35. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

Mayor's approval. SEC. 36. No ordinance shall be passed except by bill. Every bill, after it has passed the council, shall be duly authenticated by the clerk, and shall then be presented to the mayor for his approval. The mayor shall return such bill to the council within ten days (Sundays excepted) after receiving it. If he approves it, he must sign it, and the same shall then become an ordinance; but if he shall disapprove of it, he shall return it, with his objections in writing, to the council. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

Mayor's veto. SEC. 37. When a bill is returned without the approval of the mayor, the council must cause the objections of the mayor to be entered upon its journals and proceed to reconsider and vote on the same. If, after such consideration, the bill is again passed by an affirmative vote of not less than five members, it shall take effect as if the mayor had approved the same. If the bill shall fail, on being so considered, to receive five affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the journal of the council.

SEC. 38. All ordinances must be published in some daily newspaper published in Santa Barbara at least once before going into effect. Publi-  
cation of or-  
dinances.

SEC. 39. No ordinance passed by the council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 40. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, street sweeping, or for lighting streets, public buildings, places or offices, or the supplying of water for the use of the municipality, in any of its departments, shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other illuminating material, nor for the supplying of water for the use of the municipality, in any of its departments, at a higher rate or rates than is charged to any other consumer. The erection, improvement, and repair of all public buildings and works, street and sewer work, and the furnishing of supplies or material for the same, and all purchases of other supplies used by the city, when the expenditure therefor exceeds one hundred dollars, shall be by contract let to the lowest responsible bidder, after notice in a daily newspaper, printed and published in the city for at least one week. Such notice shall distinctly and specifically state the work contemplated or the supplies required; *provided*, that the council may reject any and all bids presented, and readvertise, in its discretion. Term of  
contracts.

SEC. 41. The council shall, during the first year after its organization under this charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinances, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The council shall, every four years after the publication as herein provided, cause all the subsequent ordinances at that time in force to be compiled, and shall publish the same subject to the terms and conditions herein expressed. Ordi-  
nances to  
be pub-  
lished in  
book form.

SEC. 42. All contracts must be in writing, executed in the name of the city and by an officer authorized to execute the same. The form and legality of all contracts must be submitted to and passed upon by the city attorney. Every contract must be countersigned by the finance committee, numbered and filed. Contracts.

SEC. 43. The council shall have power by ordinance:  
1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes, and sidewalks and crosswalks upon the same, and in or over any plaza, park, or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the council may adopt. Council  
powers of.

Council,  
powers of.

2. To regulate or prohibit traffic and sales in streets, highways and public places, and to regulate the use thereof by persons, associations, and corporations; to prevent encroachment upon or obstructions to the same, and to require the removal of such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks.

3. To establish and maintain a pole-line system or system of underground conduits in the city; to compel all telegraph, telephones, electric light, and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, or therein, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations, or persons using the same.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of houses thereon.

5. To establish a general system of sewers in the city, and to regulate the building and repairing thereof.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, and cleaning and watering of the streets.

7. To regulate dispensaries, hospitals, markets, and other public institutions.

8. To provide for the construction, maintenance, regulation, and repair of bridges, and public places.

9. To fix and regulate tolls and wharfage.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such limits, and for restricting the height of buildings or structures.

11. To abate and remove nuisances.

12. To provide and maintain a morgue.

13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers.

14. To try and for cause remove from office appointees against whom charges have been preferred.

15. To regulate or prohibit the sale, keeping, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive materials and substances, the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw, and other inflammable materials, and the use of steam boilers.

16. To regulate, restrict, and supervise, and for the purpose of such regulation, restriction and supervision, to specially tax the storage, manufacture and sale of explosives, acids, poisons, or inflammable materials; the manufacture of products giving rise to noxious odors or gases; the sale of intoxicating liquors; the keeping or slaughtering of animals.

17. To regulate the keeping and use of animals, to prevent or regulate the running at large of any animals; to establish a pound; to authorize the impounding of animals found running at large, and to authorize the sale, disposition, or destruction thereof.

Council.  
powers of.

18. To provide for the public printing.

19. To provide suitable rooms and buildings for the courts, boards, and officers of the city, and such furniture, fuel, lights, books, stationery, and other supplies of any kind as are or may be necessary for the convenient transaction of public business.

20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools and vaults; to compel the connection, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

21. To license hackney coaches, cabs, omnibuses, drays, carts, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate, or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers, auctioneers, the sale of intoxicating liquors, and all shows and exhibitions of lawful games, and to fix the rate of license upon the same. The council shall have no power to require the payment of licenses for the privilege of conducting any business or occupation in the city other than such as are specified in this charter.

22. To regulate the entrances to and exits from theaters, lecture-rooms, public halls, churches, and public buildings, of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles, in the halls, aisles, or open places therein.

23. To establish, maintain and regulate a fire alarm, police telegraph, and police telephone.

24. To provide general regulations as to the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for, and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every railroad company or corporation to keep in repair between the tracks, and for the distance of two feet upon each side of the tracks, all streets occupied or used by such company or corporation.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain, and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

Council,  
powers of.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter; and to fix and regulate the charges and fees of all such officers, where the charges, fees, and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish, or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding, and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain, and operate its own water supply.

34. To regulate the use and sale of gas and electric lights, and fix and determine the price of gas and electric lights, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones, and telephone service, and connections; and the removal and placing under ground of any and all telegraph, telephone, or electric light wires, or upon the pole-line or in the underground conduits established by the city.

35. To grant or extend, for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly; bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on increases in the population of the city; and to fix rates of fare, not exceeding five cents for each passage, on such railways, conditional, that the rate of fare so fixed shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist operated under franchise similarly conditioned.

36. To provide and maintain all public buildings, parks or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state and county purposes.

39. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city. Council,  
powers of.

40. To regulate all parades, processions, and public assemblages upon the streets, and to determine what parades, processions, and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments, hereby established.

42. To make all ordinances, by-laws, rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general law in said city.

43. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws or provisions of this charter.

44. The council shall have power by ordinance, and it shall be its duty to fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water supplied to the city, or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

45. The council shall have the power to provide by ordinance music for public entertainment.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

#### *The Mayor.*

SEC. 44. The mayor shall be the chief executive officer of the city. He shall be at least thirty years of age, and shall have been 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. Mayor,  
powers and  
duties.

SEC. 45. The mayor is the presiding officer of the council, and shall have the casting vote in case of a tie; he must sign the journal of the council and all warrants on the city treasurer.

SEC. 46. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude or the want thereof, with which they may execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ and 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

Mayor,  
powers and  
duties.

the said departments, boards, officers and persons are kept in a legal and proper form; any official defalcation or neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the council, city attorney, or district attorney of the county, in order that the public interests shall be protected and the person in default proceeded against according to law. He shall from time to time communicate to the council in writing a statement of the affairs of the city, and shall recommend such measures connected with the public health, cleanliness, and ornament of the city, the improvement of the government, and finances, and other matters as he may see proper or beneficial to its interests. He shall see that the laws of the state relating to this city, the provisions of this charter, and the ordinances of the city are observed and enforced.

SEC. 47. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board or officer, at least once in every year, and shall enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the mayor for malfeasance in office. He shall have the general supervision of all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

SEC. 48. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized to use and command the police force, or, if such police force is insufficient, it shall be his duty to call upon the governor for military aid in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

SEC. 49. The mayor may call special meetings of the council. He shall be duly notified by the city clerk of all special meetings of the council, when called by its members, and the time and place of all regular and special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

SEC. 50. The mayor shall, on the first of each and every quarter, together with the city attorney, and chairman of the finance committee, count the cash in the city treasury and see whether it corresponds with the books of the treasurer, and report the result of such count to the council at their first meeting thereafter.

SEC. 51. The mayor 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, companies, or corporations failing to fulfill their agreements or contracts either in whole or in part. It shall be the duty of every officer and person in the employ and service of the city, when it shall come 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 officer, has been or is about to be violated by the other contracting party, to report forthwith to the mayor all facts and information within his possession concerning such matters, and a willful failure so to do shall be cause for the removal of such officer or employé as in case of malfeasance in office.

Mayor,  
powers and  
duties.

SEC. 52. The mayor shall have general supervision over all city officers; he shall have power to suspend any appointed officer for dereliction, neglect, or non-performance of duty, and shall report the same to the council. The council, after investigating the charge against such officer, may continue the suspension for such time as they deem proper, or they may declare the office vacant, and such vacancy shall be filled as provided for by the provisions of this charter.

SEC. 53. The mayor shall appoint all officers of the city, whose election or appointment is not otherwise provided for in this charter.

SEC. 54. When a vacancy occurs in the office of mayor it shall be filled for the unexpired term by the council assembled for that purpose. The person elected shall possess the qualifications hereinbefore prescribed for mayor, and a member of the council, during the term for which he has been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 55. The mayor shall exercise such other powers and shall perform all such other duties as may be prescribed by this charter or by ordinance.

#### *City Clerk.*

SEC. 56. The city clerk shall also be ex officio auditor and ex officio assessor. He shall have been a citizen of the state, and a resident and qualified elector of the city for at least five years next preceding the day of his election. He shall have the custody and be responsible for the corporate seal, and all books, papers, records, and archives belonging to the city, not in actual use by other officers, or otherwise by special provision committed to their custody. He shall be present at each meeting of the council during its sessions, and keep a journal of all its proceedings.

City clerk.

SEC. 57. He shall keep separate books, in which he shall record respectively ordinances, contracts, and official bonds. He shall keep all his books properly indexed and open to public inspection, when not in actual use. He shall perform such other duties as are or shall be imposed by this charter or by ordinance.

#### *As Auditor.*

SEC. 58. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer, or any other person.

Auditor.

Auditor.

SEC. 59. He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable and by whom paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public moneys at any time in the city treasury not by law or ordinance specifically apportioned or appropriated, and forthwith notify the city treasurer of such apportionment or appropriation.

SEC. 60. He shall make out, sign and deliver to the proper officer all licenses. He shall report to the council at the first regular meeting in each month the condition of each fund in the city treasury. He shall keep a record of all demands against the city, and shall draw a warrant for the same on the city treasurer and countersign the same after such demand shall have been duly audited and allowed as hereinafter in this charter provided.

SEC. 61. He shall on or before the first day in August in each year make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of, first, the revenue from other sources than taxation; second, the itemized expenditures; third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this charter or by ordinance.

*As Assessor.*

Assessor.

SEC. 62. It shall be his duty to prepare on or before the first Monday in July of each year and present to the council with his certificate of its correctness, a list of all the real and personal property within the city, taxable for municipal purposes, with the true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the county assessor for state and county purposes; to be present at all sessions of the board of equalization mentioned in this charter; to furnish to said board such information as may be required, and to perform such other services in reference to the assessment of property in the city or otherwise appertaining to his office as the council shall require or direct. During the sessions of the board of equalization the assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to the said list any property in such city not previously assessed, after written notice to the owners of such property.

SEC. 63. He shall make or procure to be made all the necessary abstracts to be used in making up the assessment of property within the city, and after the taxes have been duly levied by the council, shall make the proper calculations, and

extend upon the assessment book the amount of taxes due from each person, firm or corporation, and deliver said books to the city tax collector, so completed, on or before the first Monday in October of each year, and at the expiration of his term of office he shall deliver to his successor in office, all books, maps, plats, descriptions of property, and all other things appertaining to his office. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are or may hereafter be conferred by law upon county assessors.

*City Treasurer.*

SEC. 64. The treasurer shall be ex officio tax collector; he shall have been a citizen of the state and a resident and qualified elector for at least five years next preceding the day of his election.

City treasurer and tax collector.

SEC. 65. As tax collector it shall be his duty to receive and collect all the city taxes, general and special; he shall also collect all city licenses, and such other branches of the city revenue not otherwise herein provided for, as the council may direct. He shall keep proper books showing all the moneys collected by him as tax collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be at all reasonable times subject to public inspection; and do and perform such other duties as may be required of him by this charter or ordinance of said city. He shall pay all moneys collected by him as tax collector into the city treasury, weekly.

SEC. 66. As treasurer it shall be his duty to receive and keep all moneys that shall come to the city by taxation, or otherwise, and to pay the same out on demands legally audited in the manner provided by this charter or ordinance of this city; and without such auditing he shall disburse no public moneys whatever, except salaries, and the principal and interest on the municipal debt, when payable. He shall keep an account of all his receipts and expenditures under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the council of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter or ordinance of said city. As soon as suitable vaults and safes are provided the treasurer shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody.

*City Attorney.*

SEC. 67. The city attorney must have been admitted as practitioner before the supreme court of this state, and must have been in the regular practice of law for the period of five years next pre-

City attorney.

City  
attorney.

ceding his election to such office; he must have been a resident of this city for five years next before his election. It shall be his duty to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein. He shall give his advice or opinion in writing whenever required by the mayor, council, board of education, or other city officers; he shall be the legal adviser of all city officers; he shall approve the form of all bonds given to, and all contracts made with, the city; he shall, when required by the council or any member thereof, draft any and all proposed ordinances for the city, and shall do and perform all such things touching his office, as by the council or mayor may be required of him.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

Police  
court.

SEC. 68. The judicial power of this city shall be vested in a police court.

SEC. 69. The police court shall have exclusive jurisdiction of the following offenses committed within the corporate limits of said city:

Jurisdic-  
tion.

1. Petit larceny. 2. Assault or battery not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill. 3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment; and 4. Of proceedings respecting vagrants, lewd, or disorderly persons.

The police court shall also have exclusive jurisdiction:

1. Of all proceedings for the violation of any ordinance of the city, both civil and criminal. 2. Of any action for the collection of taxes and assessments levied for city purposes; or for the erection or improvement of any school-house or public buildings; for the laying out or opening or improving any public street or sidewalk, lane, alley, bridge, wharf, pier, or dock; or for the purchase of or the improvement of any public grounds; or for any and all public improvements made and ordered by the city within its limits, when the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessment can be foreclosed in any such action. 3. Of any action for the collection of money due to the city; or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars. 4. For the breach of any official bond given by any city officer, and

for the breach of any contract, and any action for damages in which the city is a party or is in any way interested; and upon all forfeited recognizances given to or for the benefit or in behalf of the city; and upon all bonds given upon any appeal taken from the judgment of the court in any action above named where the amount claimed, exclusive of costs, is less than three hundred dollars. 5. For the recovery of personal property belonging to the city, when the value of the property (exclusive of the damages for the taking or detention) is less than three hundred dollars; and 6. Of actions for the collection of any license required by any ordinance of the city.

SEC. 70. In the exercise of his jurisdiction the police judge may punish persons guilty of contempt of court and may issue warrants of arrest, subpoenas, venire, writs, executions, attachments, and all other processes necessary and proper, and may administer oaths.

SEC. 71. In all cases in which the judge of the police court is a party or in which he is interested or in which he is related to either party by consanguinity or affinity within the third degree, and in case of his sickness, absence, or inability to act, any justice of the peace of the county of Santa Barbara may, at the written request of the said police judge, act in his place and stead.

Justice of  
peace may  
be called  
act.

SEC. 72. The judge of the police court shall keep a record of the proceedings of the said court in all matters and cases before said court and shall pay weekly into the city treasury all fines collected. He shall on the first Monday of each month file with the city clerk an exact and detailed account in writing, upon oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all forfeitures and all the moneys by him collected on behalf of the said city.

Record of  
proceed-  
ings.

SEC. 73. The said city shall furnish a suitable room for said court at which the said judge shall remain from nine o'clock A. M. until ten o'clock A. M. of each judicial day and such further time as shall be necessary to dispose of all business properly coming before said court.

Court-  
room.

SEC. 74. The said city shall also furnish the necessary dockets and blanks for the use of said court; said court shall always be open except on non-judicial days, and also on such days for such purposes as are or may hereafter be by law required of other courts of the state on non-judicial days.

Court  
days.

## ARTICLE VII.

### REVENUE AND TAXATION.

SEC. 75. The council shall annually fix the rate of taxation to be levied, and the levy of taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxation so levied shall not exceed in any one year one dollar on each one hundred dollars of the assessed value of the

Tax rate  
and levy.

property in the city according to the assessment roll of such year, exclusive of the amount necessary for the payment of the principal and interest of the bonded debt of the city, and exclusive of any special tax authorized by vote of the electors as in this charter provided.

Funds.

SEC. 76. The council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the funded obligations of the city, if any, and the several departments requiring municipal expenditure, including a general fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly, and no transfers shall be made except of balances in excess, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

General laws to govern processes.

SEC. 77. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, the collection of taxes, the sale of property for unpaid taxes, and the redemption of property sold for taxes shall be made and had in the form and manner and with like effect, as now or may hereafter be provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for state and county purposes, and redemption thereof, and to that end:

First—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

Second—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

Third—All powers and duties so conferred or imposed upon the district attorney are hereby conferred and imposed on the city attorney.

Fourth—All powers and duties so by law conferred or imposed upon the county treasurer or upon the county tax collector are hereby conferred and imposed upon the city treasurer and ex officio tax collector.

Fifth—All powers and duties so by law conferred or imposed upon the county clerk, county assessor, or county auditor are hereby conferred upon the city clerk.

Assessor to make abstract.

SEC. 78. The city assessor must make the abstract provided for in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the city assessor to apportion the valuation of such instrument to be assessed in the city, and assess the same accordingly. The city assessor shall be governed as to the amount of taxes to be by him collected on personal property by the city rate of the previous year.

SEC. 79. Every tax due upon personal property is a lien upon the real property of the owner thereof; every tax due upon real property is a lien against the property assessed, and every tax due upon improvements upon real property assessed to others than the owners of the real estate is a lien upon the land and improvements, and which said several liens attach as of the first Monday of March in each year at twelve o'clock meridian. Liens for taxes.

SEC. 80. Whenever the council shall determine that public interest requires the construction, or acquisition, or completion of any permanent municipal building, work, sewer, property, water or light system, wharves, or improvements, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in one year, they may by ordinance submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the constitution and general law of this state; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value, and to the highest bidder after advertising for sealed proposals therefor. And no indebtedness or liability shall be incurred by the city 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 thereon at an election to be held for that purpose. Bonds for public improvements.

## ARTICLE VIII.

### POLICE DEPARTMENT.

SEC. 81. There shall be a chief of police, who shall be a qualified elector of the city, not less than twenty-five years of age, and who shall be appointed by the mayor, and shall hold office during the pleasure of the appointing power. Chief of police.

SEC. 82. The chief of police shall have command and control of the police force, subject to the general supervision of the mayor. He shall have power to suspend any policeman for disobedience of any lawful order, for the violation of the rules of the department, neglect of duty, drunkenness or misconduct as a policeman; and he shall, upon suspending a policeman, promptly certify the fact with the cause thereof to the mayor, who shall forthwith report the same in writing, together with the charges preferred against such policeman, to the council, and if such policeman shall be found guilty by the council he shall be dismissed from the police force. Powers and duties.

SEC. 83. The chief of police shall observe and cause to be observed and enforced all laws and ordinances within the city, and shall see that all lawful orders and processes of the council and police court within the city are promptly executed. For the suppression of any riot, public tumult, disturbance of the peace, unlawful assembly, organized resistance to the laws or public authorities in the performance of their duties, or in Same.

Chief of  
Police,  
powers and  
duties of.

arresting persons for the public offenses, he shall have all the powers that are or may be hereafter conferred upon sheriffs by any law, and all his lawful orders shall be promptly executed by the police officers. In addition to the powers and duties herein enumerated, the chief of police shall have such other powers and perform such other duties pertaining to the police department as may from time to time be conferred or imposed upon him by ordinance.

Same.

SEC. 84. The chief of police shall keep a public office to be provided by the council, which office shall be open and at which he or a police officer shall be in attendance at all hours, day and night. The chief of police shall devote his entire time to the discharge of the duties of his office, and shall not absent himself from the city, without urgent necessity, unless in pursuit of persons who have committed public offenses within the limits of the city. If such absence from the city be upon any other than business immediately connected with his office, except on vacation (and then only by written consent of the mayor, filed with the city clerk), he shall forfeit his salary for the time of such absence, and the proper amount shall be deducted from his next salary warrant by the city clerk.

Captain of  
police.

SEC. 85. There shall be a captain of police selected from the police force by the mayor, who, in the absence of the chief of police, shall have command and control of the police force, and who shall perform such other duties and have such other powers pertaining to the police department as shall be required of him by the chief of police, or from time to time be imposed or conferred on him by ordinance. The term of office of captain of police shall be during the pleasure of the appointing power.

Police  
force.

SEC. 86. In addition to the chief of police, there shall be a permanent police force, which shall consist of such number of policemen as the council shall, from time to time, by ordinance, authorize to be appointed. They shall be appointed by the mayor, and shall hold office during good behavior, unless removed for cause or for the improvement of the public service, as in this charter provided. The chief of police may appoint from the police force a jailer. No person shall be appointed to any position in the police force of the city unless he shall be a man of good moral character and of good repute for honesty and sobriety, a citizen of the United States and a resident and elector of the city for at least one year preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength or courage; and (except those in service on the police force at the time this charter takes effect) every appointee hereafter shall be not less than twenty-five nor more than forty-five years of age, and must, before being appointed, present to the mayor a certificate of the city physician that the applicant is in sound health and free from



any physical disability that would incapacitate him from the duties of a policeman.

SEC. 87. Whenever the council shall deem it expedient a patrol system may be provided for the use of the police department, which system shall include horses, wagons and all electric or other appliances necessary for the operation of such system. Patrol system.

SEC. 88. Except as otherwise in this charter prescribed, the mayor in making appointments of members of the police force shall be guided by the fitness of the applicant, and no person shall be appointed to or removed from the police force on account of his political or religious opinions. No member of the police department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer, member or employé in said department violating any of the provisions of this section shall forfeit his position. Appoint-ments on police force.

SEC. 89. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension or conviction of criminals, without the written consent of the mayor, first filed with the city clerk, and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other calling, profession or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for the yearly vacation provided by general law. Policemen not to receive gratuities.

SEC. 90. The members of the police force shall promptly and fully obey, enforce, observe and cause to be obeyed and enforced and observed all lawful orders of their superiors, and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without warrant, the suppression of all riots, affrays and breaches or disturbances of the peace, in the abatement of public nuisances and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city, and with all laws of the state defining public offenses and regulating criminal proceedings. No other business.

SEC. 91. In addition to the regular police force, the mayor may at times of public emergency appoint special policemen, who shall serve for such time as is designated in their appointment and who shall also receive the same rate of compensation for their services as is paid to regular policemen. Duties of officers.

SEC. 92. The mayor may also, upon the petition of any firm, person or corporation, appoint at any time a special policeman for special service to be paid for by such person, firm or corporation; *provided, however,* that the locality where such special Special police.

policeman is to act shall be described in the warrant of appointment. The policeman so appointed shall receive no pay from the city. All special policemen shall possess the powers and discharge the duties of regular policemen and be under the direction of and control of the chief of police, and be subject to and obey all rules and regulations of the police department. The term of office of any special policeman shall be at the pleasure of the appointing power and shall cease with the office of the appointing power.

**Badge.** SEC. 93. The council may prescribe the badge of office and uniform to be worn by members of the police force.

**Salaries.** SEC. 94. The members of the police force shall receive such salaries as the council may by ordinance prescribe.

## ARTICLE IX.

### FIRE DEPARTMENT.

#### *Board of Fire Commissioners.*

**Fire commissioners.** SEC. 95. The board of fire commissioners shall consist of: first, the mayor; second, the chief engineer of the fire department; and third, the chairman of the finance committee of the city council.

SEC. 96. Said board of fire commissioners shall have full control of the fire department and the fire alarm system of said city.

SEC. 97. It shall be their duty to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires; to order the placing of hydrants, fire-alarm boxes and cisterns for said purposes; to provide means for the proper handling and hauling of said apparatus, and to construct buildings for the proper housing of the same; to draft and prescribe rules and regulations for the government of said department and to see that the same are carried into effect; to employ or dismiss any member thereof; *provided*, that said dismissal shall be only for cause; to fix the compensation of the members of said department and of all employes connected therewith.

SEC. 98. They shall act as fire wardens and shall see that the ordinances of the city regulating the fire limits, the construction of buildings and the storage of combustible materials and explosives within the city are enforced and carried into effect.

SEC. 99. They shall furnish the city council on or before the day set for fixing the yearly tax levy with an estimate of the amount of funds necessary for the fire department for the ensuing year, and it shall be the duty of the council to include in said tax levy a sufficient and proper amount for the successful conduct of such department and the payment of the expenses thereof, which tax when collected shall be set aside as a separate fund for the support and maintenance of said department.

SEC. 100. All bills against said fund must be approved by the chief engineer of the department, in writing, before being presented to said board, who, upon approval, shall direct the clerk of said board to draw a warrant upon the aforesaid fund for the same. Fire com-  
missioners

SEC. 101. The mayor shall be the presiding officer of said board.

SEC. 102. The city clerk shall act as clerk of said board without any additional compensation therefor.

SEC. 103. Said board shall meet at least once each month and the members thereof shall serve without compensation.

SEC. 104. The chief engineer of the fire department shall be elected by ballot by the members of the volunteer department at an election to be held for such purpose on the first Monday in January in each year; *provided, however*, that if said volunteer fire department shall become disorganized, or from other cause shall fail to elect such chief engineer, the mayor shall appoint a chief engineer to fill such vacancy. Chief  
engineer.

## ARTICLE X.

### HEALTH DEPARTMENT.

SEC. 105. There shall be a health department under the management of the board of health. Said board shall consist of five members, namely: the mayor, who shall be ex officio a member and president of said board, and the city engineer, who shall be ex officio a member of said board, and three citizens, who shall be appointed, without regard to their political opinions, by the mayor, within fifteen days after the commencement of his term of office. The mayor shall not have the right to vote unless in case of a tie. Each appointed member of the board shall be a duly licensed physician, in accordance with the laws of the state of California, and a qualified elector of the city for two years immediately preceding his appointment. Said members shall serve without compensation, except the member serving as health officer, who shall receive such compensation as the council shall prescribe. Board of  
health.

SEC. 106. The term of office of the appointed members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the date of their appointment; *provided*, that those members first appointed shall so classify themselves to allow that one of them shall go out of office at the end of one year, and two at the end of two years. If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made, for the unexpired portion of the term of said member.

SEC. 107. Regular meetings of the board of health shall be held once a month, and special meetings when called by the president, or any three members, and all meetings shall be public. Three members shall constitute a quorum.

Board of  
health.

SEC. 108. Said board of health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city.

SEC. 109. The council shall, by ordinance, or otherwise, provide for enforcing such orders and regulations as the board of health may from time to time adopt, and all expenses necessarily incurred by the board of health in carrying out the provisions of law and of this charter shall be provided for by the council.

SEC. 110. The board of health, within two weeks from the time of its organization, shall elect from among their number a city physician, who shall also act as health officer, and secretary of the board of health. Said city physician shall not be less than thirty years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city; he shall hold his office during the pleasure of the board of health, and must see that the laws and ordinances of the city, in relation to the public health, and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all records appertaining thereto, and, by himself, or his deputy, issue all permits for burial, or removals in any of the cemeteries, and no interments shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection; he shall have the powers of a police officer, and shall make an extended and annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and other recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cess-pools, buildings, and low places within the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

SEC. 111. The board of health may cause to be removed to a smallpox hospital or pest house, any persons in said city affected with the smallpox, Asiatic cholera, or yellow fever. When a case of either of these diseases exists in any house, and the person so affected is not removed to said hospital or pest house, the health officer, upon order of said board of health, shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

SEC. 112. The board may proclaim such quarantines and declare such quarantine districts and grounds, and the boundaries thereof, as may in their judgment be necessary for the preservation of the public health.

SEC. 113. No person shall deposit in any cemetery the body of any human being who has died within the city, or remove the same from within the limits of the city, without having

first obtained and filed with the health officer a certificate signed by a physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date and locality, and cause of death of deceased, and obtain from the health officer a permit in writing therefor for burial or other purposes. Physicians when deaths occur in their practice must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the coroner. No body of a human being who has died within the limits of the city, and no body or remains of a deceased person exhumed or taken from any grave, vault, or other place of burial or deposit within or without the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains.

Board of  
health.

SEC. 114. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the council or by general law.

## ARTICLE XI.

### PUBLIC WORKS.

SEC. 115. If at any time the city shall become the owner of any water supply or any plant or system for illumination, or shall decide to provide or construct such supply, plant or system, there shall be a department to be known as the water-works department, or the lighting department, as the case may be, and the mayor shall appoint three citizens of the city to be commissioners of such department. They shall hold their office for the term of three years, and shall serve without compensation; *provided*, that in the first appointments the terms shall be for one, two, and three years, respectively, to be designated in the notice of appointment by the mayor.

Commis-  
sioners of  
public  
works.

SEC. 116. Such commissioners shall, in their respective departments, have the full control and management of such water supply, or such plant or system of illumination, and of the construction, extension, alteration, and repair thereof, and of the collection of revenue therefrom, under such regulations by ordinance as the council may, from time to time, enact.

SEC. 117. The council shall designate, by ordinance, the officers and employes of such department and their respective duties and compensation; but when once fixed, such compensation shall not be altered without the recommendation of the majority of the commissioners.

SEC. 118. The commissioners shall appoint all officers and employes of their department. They may remove temporary employes at will, but shall not remove appointees to permanent positions provided by ordinance, except for cause or for the improvement of the public service.

Commissioners of  
public  
works.

SEC. 119. No person shall be appointed to any position in any department created under this article, unless he be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident and elector of the city for at least two years next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is deficient in health, strength, and activity.

SEC. 120. The commissioners, in making appointments, shall be guided solely by the fitness of the applicants, and no person shall be appointed to or removed from any position on account of partisanship or political or religious opinions.

SEC. 121. No officer or employé in any department created under this article shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, nor take any part in any general or primary election, except to vote; and any officer or employé in such department violating any of the provisions of this section shall forfeit his position.

SEC. 122. The commissioners shall exercise general supervision over their department, and make such rules for the government and discipline of the officers and employés thereof as may be necessary to secure efficiency. All contracts for work and materials must be made by the commissioners in the manner provided in this charter for making contracts, and must be approved by the council, and all payrolls and accounts before being paid by the council shall first be passed upon by the commissioners, who shall thereupon certify them to the council for payment.

#### *City Engineer.*

City  
engineer,  
duties of.

SEC. 123. The city engineer shall have been a citizen of the state, and a resident and qualified elector of the city, at least two years next before his appointment.

In addition to other duties imposed upon him by this charter, or ordinances of the council, the city engineer shall:

1. Make all surveys, inspections, and estimates required by the council.
2. He shall examine all public work done under contract, and report thereon in writing to the council.
3. He shall, on application of any person owning or interested in real property in said city, for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.
4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work, made or

done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

*Street Superintendent.*

SEC. 124. As street superintendent, the city engineer shall have the general care of and frequently inspect the streets of the city, and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the council, in writing, all deviation from contracts and use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

Street  
superin-  
tendent.

ARTICLE XII.

EDUCATIONAL DEPARTMENT.

SEC. 125. The school department of said city shall comprise all the public schools of Santa Barbara school district, primary, grammar and high school, and the manual training and kindergarten schools, as now established, and as the same may hereafter be consolidated, enlarged or discontinued.

Board of  
education,  
powers and  
duties.

SEC. 126. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be called school trustees, each of whom shall be a citizen of the United States over the age of thirty years and shall have been a resident of the city for the period of not less than three years prior to his election. Said trustees shall be elected at the first regular election held under this charter, and shall hold office for the term of four years, and until their successors are elected and qualified; *provided, however*, that said trustees so elected, after the first election after the adoption of this charter, shall so classify themselves by lot that the term of two of them shall be for two years, and of three for four years, and thereafter alternately, at the regular municipal election, there shall be elected, respectively, two and three members of said board of education.

SEC. 127. The school trustees shall meet on the first Monday in January after their election, and organize by electing one of their number president, and another secretary, whose terms of office shall be two years each. The board shall hold regular meetings at least once in each month, at such time and place as shall be determined by its rules. Special meetings of the board may be called by the president or any two members of the board by written notice served upon each member of the board, stating the purpose of such special meeting. Said notice

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powers and  
duties.

shall be served at least one day before such meeting; *provided*, that notice by mailing to any member at least two days before the meeting shall be deemed equivalent to personal service on such member. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the board shall be public, and the records open to public inspection. The board may determine the rules of its proceedings, and the ayes and noes shall be taken when demanded by any member, and entered upon the records of the board. Any vacancy occurring in the board shall be filled, until the next municipal election, by appointment by the mayor of the city.

SEC. 128. The powers and duties of the board of education are as follows:

1. To establish and maintain public schools, including kindergarten, high schools, sloyd and manual training schools; to change, consolidate and discontinue the same.

2. To manage and control the school property.

3. 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 compensations, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election or employment of a teacher or other person employed by the board shall be construed as a contract as to any duration of employment beyond the time of dismissal of such teacher or other person.

4. 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.

5. 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.

6. To provide for the school department all necessary supplies, including ink, pens, tablets, registers, blank reports, promotion cards, crayons, writing paper, rulers, pencils, diagrams, maps, globes, chemical and mechanical apparatus, and certificates of graduation, fuel and lights, and incur such other incidental expenses as may be necessary for the welfare of the department.

7. To build, alter, repair, rent, and provide school-houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property as may have been, or that may be hereafter, acquired for the use and



benefit of the public schools of the city, and to make conveyance of all such real estate sold by the board of education; *provided*, that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the board; and *provided further*, that the proceeds of such sale of real estate or personal property shall go into the special school fund of the city in the county treasury.

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duties.

9. To grade, fence, and improve all school lots.

10. To sue for any and all lots, land, and property belonging to or claimed by said school department; and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

11. To prohibit any children under six years of age from attending the public schools, except that in the kindergarten younger children may be received.

12. To examine and allow, in whole or part, every demand payable out of the school funds, or to reject any such demand, for good cause.

13. To admit non-resident children to any of the departments of the schools, upon the payment, at such time as the board may direct, of tuition fees, to be fixed by the board.

14. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

15. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

16. 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.

17. To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever.

18. 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.

SEC. 129. It shall be the duty of the board to prescribe a course of study that will fit and prepare the students therein to enter any of the departments of the state university. Such course shall be known as the high school course.

SEC. 130. Each member of the board shall visit every school in the city at least twice in each term, and examine carefully into its management, condition and wants.

SEC. 131. The board of education shall select a city superintendent of schools, whose term of office shall be four years unless sooner removed for cause by vote of a majority of the members, after a full investigation. The city superintendent of schools shall give his time and attention to the duties of his office, subject to the regulations of the board of trustees.

SEC. 132. The city superintendent of schools and teachers of the public schools shall be experienced teachers and shall possess the qualifications required by the board of education of Santa

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duties.

Barbara county, and such other qualifications as this board of education may prescribe. The disobedience of any proper order or regulation of the board of education by any person holding a position under appointment or election in this department shall be deemed good cause for dismissal or removal.

SEC. 133. It shall be the duty of the board of education to call an election and submit to the voters of the school district whether the bonds of said district shall be issued and sold for the purpose of raising money for purchasing school lots, for building or purchasing one or more school-houses, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, or for liquidating any indebtedness already incurred for said purposes, whenever in their judgment it is advisable, or whenever petitioned by a majority of the heads of families residing in said district so to do. Such election shall be called and said bonds shall be issued in accordance with the school law of this state.

SEC. 134. All contracts for building shall be awarded to the lowest bidder therefor, furnishing adequate security, to be determined by the board, after due public notice, published daily for not less than ten days in one daily paper of the city. Said board, however, shall reserve the right to reject any and all bids.

SEC. 135. Any member of the board of education, or any person officially connected with the school department, or drawing a salary from the board, who while thus drawing such salary, upon investigation by the board, or by any special committee that may be appointed by the council, shall be found to be interested directly or indirectly in, or to have gained any advantage or benefit from any contract, payment or any purchase of any kind which have been, or are to be made in any part from moneys derived from the school fund or raised by taxation or otherwise, for the support of the public schools, shall forfeit his office, and the board shall thereupon declare such office vacant.

SEC. 136. The board of education shall estimate the amount necessary in their judgment to carry on for the next school year those departments of the public schools not now provided for by the general law, and shall report the same to the board of supervisors of the county of Santa Barbara in the manner provided by law, in case of levy of special school tax.

SEC. 137. The board shall cause to be prepared in January and July of each year, and filed in the office of the city clerk, a tabulated statement showing the income and resources of the school department, and the general expenditures for such school purposes, together with such other information as will show the general condition of the schools, and the work accomplished by the department for the previous six months.

SEC. 138. The public school fund of said city shall consist of all moneys received from the state and county school fund; of all moneys arising from taxes which shall be levied for school purposes; of all moneys arising from the sale, rent, or exchange of any school property; and of such other moneys as

from any source whatever may be paid into the school fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes, under the provisions of this charter; and if at the end of the fiscal year any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and no part of the school fund shall be for any purpose, or in any manner whatever, diverted or withdrawn from any such fund, except as in this charter provided.

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duties.

SEC. 139. All claims payable out of the school fund shall be filed with the secretary of the board, and shall be approved by a majority of all the members of said board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the secretary of said board shall draw a requisition upon the county superintendent of schools for the payment thereof, which requisition shall be signed by the president, and countersigned by the secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly in the same manner, without presentation of claims therefor.

SEC. 140. All demands authorized by this article, and by the board of education approved as aforesaid, shall be paid as provided by the general school law.

SEC. 141. The member of said board acting as secretary thereof shall receive for his services as such secretary a salary to be fixed by the board of education, not exceeding twenty dollars per month, and such salary shall be in full payment for all services rendered by him.

SEC. 142. The city attorney shall be the attorney of the board, and shall not receive any compensation for services rendered or to be rendered to the board, other than or in addition to his salary as such city attorney.

SEC. 143. The school year shall consist of forty weeks.

SEC. 144. In case of disaster from fire, riot, earthquake, or public enemy, the board of education may, with the approval of the mayor and council, incur extraordinary expenditures in excess of the annual limit provided by this charter for repair, construction, and furnishing of school-houses; and the 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.

SEC. 145. The board of education succeeds to all the property, rights, and obligations of the school trustees of Santa Barbara school district heretofore existing.

### ARTICLE XIII.

#### PUBLIC LIBRARIES.

SEC. 146. There shall be maintained in the city of Santa Barbara free public libraries and reading-rooms as provided for by an act of the legislature of this state, entitled "An act to establish free public libraries and reading-rooms," approved

Public  
library.

Public  
library.

April twenty-sixth, eighteen hundred and eighty, and such other acts of the legislature as may be amendatory thereof or supplemental thereto.

SEC. 147. The public library and reading-room created and existing under the provisions of said act, and known as the "Santa Barbara free public library," is hereby continued in existence, and shall be free of access to all residents of said city and the general public, subject to such rules and regulations for the government and management thereof as may from time to time be adopted by the board of trustees thereof.

SEC. 148. The board of trustees thereof shall consist of five members, to be elected at the regular municipal election, and shall hold office for two years, or until their successors are elected and qualified.

## ARTICLE XIV.

### CLAIMS AND DEMANDS.

Claims and  
demands  
against  
city.

SEC. 149. All claims and demands whatever against the city of Santa Barbara, except salaries, interest coupons on bonds, and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 150. Said demands, except demands payable out of the library fund and fire department fund, shall be presented to the council on forms or blanks to be provided by the city clerk, and shall be referred to its committee on finance. The said committee shall, by its indorsement thereon, approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; but may, if it so determine, approve in part or reject the whole. The action of the council shall be indorsed thereon, with the date of such action, and certified with the signatures of the mayor and city clerk.

SEC. 151. All demands approved by the council shall be delivered to the city clerk, who shall thereupon draw a warrant therefor upon the city treasurer, which shall be signed by the mayor and countersigned by the city clerk.

SEC. 152. No demand can be approved, audited or paid unless it specify each several item, with the date and amount thereof, nor unless it be subscribed by the claimant or his, her or its agent, and sworn to before some officer authorized to administer oaths.

SEC. 153. No payment can be made from the city treasury or out of the public funds of said city unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited" as used in this charter with reference to the demands upon the treasury is understood to mean that said demands have been presented to, passed upon and approved as herein provided, and this must appear upon the face of the paper representing the demand or else it is not audited.

SEC. 154. The city clerk must number and keep a record of all demands on the treasury which have been duly approved, showing the number, date, amount, the name of the original and present holder, on what account allowed and out of what fund payable. Claims and demands against city.

SEC. 155. Every lawful demand upon the treasury, duly audited as in this charter required, shall in all cases be paid on presentation, and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay said demand, then it shall be registered in a book kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of original holder, on what account allowed, and out of what fund payable, and being so registered shall be returned to the party presenting it with an indorsement of the word "registered," dated and signed by the city treasurer. All registered demands shall be paid in the order of their registration, and shall bear interest at the rate of five per cent per annum from date of such registration.

SEC. 156. All public moneys collected by any officer or employé of the city shall be paid into the said treasury without any deduction on account of any claim for fees, commissions, or any other cause or pretense, and the compensation of any officer, employé, or other person so collecting money shall be paid by demands upon the treasury, duly audited as other demands are audited and paid.

SEC. 157. No suit shall be brought upon any claim for money or damages against the city of Santa Barbara, until the demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand if the same shall be in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to, or right to maintain any other proceeding against the said council or any board or officer of said city to compel them or him to act upon said demand or claim, or to pay the same when so audited. Suits upon claims and demands.

## ARTICLE XV.

### MISCELLANEOUS PROVISIONS.

SEC. 158. All grants of franchises or privileges by the council shall be awarded to the highest bidder in pursuance of the general laws of this state, nor shall any such franchise or privilege have any validity unless the person or persons to whom the same is made shall, within six months thereafter, actually and in good faith, commence the exercise or enjoyment of the same; *provided*, that where condemnation of property is necessary, condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of the Franchises and privileges to be sold to highest bidder.

franchise or privilege. Whenever any franchise or privilege shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and said franchise or privilege, or the part thereof, so in disuse, shall no longer be used or enjoyed. When, in the exercise of any franchise or privilege, use has been made in any way of any street or alley of the city, such street or alley shall be put in good repair, and the materials or obstructions which have been placed therein in the exercise of such franchise or privilege shall be removed therefrom, at the expense of the person or company who has held such franchise or privilege, whenever the franchise or privilege is abandoned or falls into disuse.

City officer  
must not  
hold any  
other office

SEC. 159. Any person, except as otherwise in this charter provided, holding a salaried office under this city, whether by election or appointment, who shall during his term of office hold or retain any lucrative office under the government of the United States or of this state or of the county of Santa Barbara, shall be deemed thereby to have vacated the office held by him under the city government. No person holding any office under the city government shall be eligible to election or appointment to any other office under said city government.

Member of  
council  
not to be  
interested  
in con-  
tracts.

SEC. 160. No member of the council, or of any board provided for by this charter, and no officer or employé of the city, shall be or become directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds and are determined or in any way directly affected by any official act of said council, board, officer or employé, or in the sale of any article the price of which, or the purchase of which by or for the city, or by or for the public schools thereof, depends directly or indirectly upon any official act of such council, board, officer, or employé. No member of the council or of any board provided for by this charter and no officer or employé of this city having any authority or power relating to or affecting the granting of any franchise, right or privilege, shall be or become directly or indirectly interested in any such franchise, right or privilege. Any member of the council or of any board herein mentioned and any officer or employé of the city violating the provisions of this section shall forfeit his membership or office or employment; and all contracts made, or rights, franchises or privileges granted in violation of this section shall be absolutely void.

No city  
officer to be  
surety on  
bond.

SEC. 161. No officer of the city shall be or become a surety on any bond given to the city, or to any person for the benefit of the city, nor shall any officer or employé of the city give, or promise to give, any person any portion of his compensation, or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected, to any office or employment under the city. No officer of the city shall, while in office, accept any donation or gratuity in money or in anything of value, either directly or indirectly,

from any subordinate employé, or from any candidate or applicant for any position under him. Any person violating the provisions of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

SEC. 162. All books and records of every officer and department shall be open to the inspection of any citizen at any time during business hours. Copies and extracts from such books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

Books and records open to inspection.

SEC. 163. All streets, lanes, alleys, places and courts in said city now open and dedicated, or which may hereafter be opened and dedicated to public use, shall be kept in repair, so that the same shall be in good passable condition; and it shall be the duty of the street superintendent to keep all said streets, lanes, alleys, places and courts within the city limits in good repair, at the expense of the city.

Street repairs.

SEC. 164. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the council. Whenever in the judgment of the council no necessity exists for the continuation of any appointive office created or provided for by this charter, said council, by an ordinance for that purpose, may discontinue such office; *provided, however*, the council shall not have power to abolish or discontinue the office of chief of police or the office of city engineer.

Offices must be created by ordinance.

SEC. 165. All officers, deputies, clerks, and assistants, of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must reside in the city, and where not otherwise provided for must, with the exception of the city superintendent of schools and teachers of the public schools, have been residents of the city one year next preceding their election or appointment. They, and each of them, shall perform such duties as may be required of them, respectively, 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 of their respective offices or employment, except as in this charter provided.

Officers must be citizens.

SEC. 166. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days, consecutively, without the permission of the council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within time required by this charter; or shall resign, or be convicted of felony or of malfeasance in office, or be adjudged insane, his office shall be and become vacant, and such vacancy shall be filled as in this charter provided.

Absence without permission works forfeiture of office.

SEC. 167. All books, papers, plats, charts, records, files, and stationery, made or made use of, by any officer or employé

Books, etc. city property.

of the city, in the performance of his official duties, shall be deemed and considered as belonging to the city, and shall be delivered to his successor in office, who shall give duplicate receipts in writing therefor, one of which receipts shall be filed with the city clerk.

No removals for religious or political reasons.

SEC. 168. No officer or employé in any department of the city government shall ever be removed on account of his political or religious opinions.

Special meetings.

SEC. 169. Whenever special meetings are called by the council, board of education, or any other board of the municipality, notice thereof shall be served on each member personally, or by mail, addressed to him at his place of residence; if personally, at least one day before the meeting, and if by mail, the notice, postpaid, shall be deposited in the post office of the city at least two days before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

Ordinances continued in force.

SEC. 170. All ordinances, rules, resolutions, and other regulations of the city of Santa Barbara, in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed. All offices of the city heretofore existing shall, unless expressly continued by this charter, cease to exist at the time that this charter takes effect, and shall be supplanted by the offices herein provided for, and the incumbents of the offices so abolished shall surrender to the officers having like powers and duties, as provided by this charter, all moneys, bonds, contracts, books, accounts, records, files, furniture, and property of the offices so abolished. No business pending before any department or officer of the city at the time this charter takes effect shall be considered as lost, discontinued, or abandoned by reason thereof, but the same may be taken up, transacted and completed before the proper department or officer provided for by this charter.

First election.

SEC. 171. The council of the present city of Santa Barbara shall provide for the holding of the first election of officers under this charter; shall canvass the vote, declare the result, and approve the bonds of all officers elected at such election.

Charter takes effect.

SEC. 172. This charter, except as to elections herein provided for, shall go into effect on the first Monday of January, nineteen hundred.

Ordinances must be general in effect.

SEC. 173. No ordinance shall be suspended in its operation with respect to any person or persons, or corporation, nor shall any license or privilege be granted inconsistent with any ordinance; but all ordinances and resolutions purporting to grant such license or privilege, or to suspend the operation of any ordinance with respect to any person or persons or corporation, shall be void and shall not be available in defense of any action or proceeding to enforce obedience to such ordinance or punish the violation thereof.

"Charter" defined.

SEC. 174. The word "charter" wherever used herein shall be so construed as to include any amendment to this instrument which may be adopted hereafter.



## ARTICLE XVI.

SEC. 175. The common council may, on its own motion, and must, upon the petition of electors of the city equal in number to twenty-five per cent of the voters at the last preceding city election, submit any proposed amendment to this charter, at intervals of not less than two years, to the qualified electors of the city 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 the city, and such proposed amendments, if ratified by three fifths of the electors voting thereat, shall be submitted to the next session of the legislature for approval.

Amendments to charter.

## CERTIFICATE.

BE IT KNOWN, That the city of Santa Barbara, a city containing a population of more than three thousand five hundred, and less than ten thousand inhabitants, on the fourth day of April, eighteen hundred and ninety-eight, at a general municipal election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the state of California, did elect B. F. Thomas, J. W. Taggart, A. Goux, A. M. Ruiz, A. Ott, R. F. Winchester, A. W. Buell, C. E. Bigelow, John F. Diehl, R. B. Canfield, C. E. Sherman, J. N. Hiller, George S. Edwards, W. A. Fiske, and H. G. Crane, a board of fifteen freeholders, to prepare and propose a charter for said city; and we, the members of said board, in pursuance of said provisions of the constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, consisting of sixteen articles and one hundred and seventy-five sections, as and for the charter of the city of Santa Barbara.

Certificate of board of freeholders.

In addition to the foregoing charter, the board of freeholders, pursuant to said provision of the constitution, also presents with said charter for the choice of the voters, and to be voted on separately, without prejudice to the other provisions and sections of said charter, two alternative propositions hereinafter stated and designated as alternative proposition number one and alternative proposition number two, respectively, one only of which shall become part of such charter.

Said alternative propositions shall be submitted for the choice of the voters at the same election at which the charter shall be submitted, and upon the ballots shall be printed:

“For alternative proposition number one,” and “For alternative proposition number two.”

Voters shall be entitled to vote for only one of said alternative propositions, and the alternative proposition receiving the greatest number of votes shall be thereby adopted and become section eighteen of the charter.

The said alternative propositions are as follows:

## ALTERNATIVE PROPOSITION NUMBER ONE.

Section 18. The mayor shall be entitled to receive as his compensation for all his official duties the sum of six hundred dollars per annum, and each member of the council shall be entitled to receive for his services the sum of three hundred and sixty dollars per annum.

## ALTERNATIVE PROPOSITION NUMBER TWO.

Section 18. The mayor and members of the council shall receive no compensation whatever for their services.

IN WITNESS WHEREOF, we have hereunto set our hands this thirtieth day of June, one thousand eight hundred and ninety-eight. (Done in duplicate.)

B. F. THOMAS.  
 J. W. TAGGART.  
 A. GOUX.  
 A. M. RUIZ.  
 A. OTT.  
 R. F. WINCHESTER.  
 A. W. BUELL.  
 C. E. BIGELOW.  
 JOHN F. DIEHL.  
 R. B. CANFIELD.  
 C. E. SHERMAN.  
 J. N. HILLER.  
 GEO. S. EDWARDS.  
 W. A. FISKE.  
 H. G. CRANE.

Mayor's  
 certificate.

MAYOR'S OFFICE, STATE OF CALIFORNIA, }  
 County of Santa Barbara, City of Santa Barbara. } ss.

I, Edmund M. Burke, mayor of the city of Santa Barbara, in the county of Santa Barbara, and state of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were, on the fourth day of April, eighteen hundred and ninety-eight, at a general municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is the duplicate copy of said charter prepared and returned to me as mayor by said board of freeholders within ninety days after said election, as required by section eight of article eleven of the constitution of said state; that such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: the Morning Press (said city containing a population of over three thousand five hundred inhabitants, and less than ten thousand inhabitants), for more than twenty

days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said section eight, to wit: on the twentieth day of September, eighteen hundred and ninety-eight, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter and of adopting or rejecting alternative proposition number one or alternative proposition number two presented with said charter for the choice of said voters and to be voted on separately; that said proposed charter as a whole was duly ratified at said election by a majority of the votes of the qualified electors of said city, and that alternative proposition number one (allowing compensation to the mayor and council) was also ratified at the same time and in the same manner, and the same thereby became and is section eighteen of article three of said proposed charter; and that alternative proposition number two was rejected; that all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative propositions were held, made, done and occurred, pursuant to the orders and resolutions and publications of the mayor and common council of said city in compliance with section eight of article eleven of the constitution of said state, and that returns of said election were duly canvassed by the said mayor and common council, the first on April seventh, eighteen hundred and ninety-eight, and the second September twenty-sixth, eighteen hundred and ninety-eight, and the results thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter the provisions of said section have been fully complied with.

Mayor's  
certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city this twenty-fourth day of December, A. D. eighteen hundred and ninety-eight.

[SEAL.]

EDMUND M. BURKE, Mayor.

Attest: ALPHONSE CRANE, City Clerk.

Now, therefore, be it

*Resolved by the assembly of the state of California, the senate thereof concurring* (the majority of all the members elected to each house voting for and concurring herein), That said charter of the city of Santa Barbara, as presented to, and adopted and ratified by, the qualified electors of said city, including and embracing alternative proposition number one, as herein above set forth, be and the same is hereby approved as a whole, for and as the charter of said city of Santa Barbara aforesaid.

Legislative  
approval.

## CHAPTER XVIII.

*Assembly Joint Resolution No. 10, relative to setting over and establishing granite posts to mark a true boundary line between the states of California and Nevada.*

[Adopted February 24, 1899.]

Preamble. WHEREAS, The congress of the United States has heretofore appropriated money for and has caused a resurvey of that portion of the boundary line between the states of Nevada and California as lies between Lake Tahoe and the southeasterly corner of San Bernardino county, in the state of California; and

WHEREAS, Said resurvey has been made and temporary posts placed along the new boundary line thus resurveyed, clearly establishing and defining the true and correct line between the states; and

WHEREAS, It is of great importance to this state, and especially to those counties of the state which border on said line and the state of Nevada, that the new line established shall be taken and forever established as the true boundary line between the said states; therefore, be it

Permanent  
boundary  
posts be-  
tween  
California  
and  
Nevada.

*Resolved by the assembly, the senate concurring,* That our senators in congress be instructed, and our representatives be requested, to cause such legislation to be enacted as will authorize the proper authorities to set over and establish the granite posts now marking the old line to the temporary posts erected on the new line, and when said granite posts are thus erected the new line, as thus established, shall thereafter be recognized as the true boundary between the states of California and Nevada, or if the removal of said granite posts is impracticable, that the present temporary posts be recognized as marking the true boundary between the said states.

*Resolved,* That the governor be requested to transmit to each of our senators and representatives in congress a copy of these resolutions.

## CHAPTER XIX.

*Senate Joint Resolution No. 11, relative to money due and unpaid to the state of California from the national government for fitting out volunteers.*

[Adopted February 25, 1899.]

WHEREAS, A large sum of money is now due and unpaid to the state of California from the national government for the fitting out of volunteers during the civil war; therefore, be it

*Resolved by the senate of the state of California, the assembly concurring.* That our senators in congress be instructed, and our representatives be requested, to use all necessary efforts to secure the payment of such sum or sums of money now due, to the end that it may be turned into the state treasury.

Money due state from national government.

*Resolved,* That the secretary of the senate is hereby instructed to forward, by mail, a copy of these resolutions to each of our senators and representatives in congress.

## CHAPTER XX.

*Assembly Joint Resolution No. 14, relative to an inquiry into the alleged servitude in Siberia of Frank Bassford and companions.*

[Adopted March 2, 1899.]

WHEREAS, Frank Bassford, a native of California and a subject of the United States, in January, eighteen hundred and ninety-two, while engaged in otter hunting in Pacific waters along the Asiatic coast, was lost and believed to have perished; and

Preamble.

WHEREAS, It is reported that he and his companions are now in servitude in Siberia; therefore, be it

*Resolved by the assembly, the senate concurring,* That the Hon. Henry T. Gage, governor of the state of California, be requested to correspond with the secretary of state of the United States, and that our senators in congress be requested to use their best endeavors with the secretary of state, all to the end that the active agency of our government and of the diplomatic and consular service thereof may be enlisted in ascertaining the truth with reference to said report, and in securing the release and return to their own country of the said Frank Bassford and his companions, if they yet survive.

Release of Frank Bassford et al.

## CHAPTER XXI.

*Senate Joint Resolution No. 20, relating to construction of Pacific cable, and requesting that congress require the same to be of American make.*

[Adopted March 2, 1899.]

Preamble. WHEREAS, There are now pending in congress measures for the laying of a submarine cable from some point in the state of California across the Pacific ocean; and  
 WHEREAS, The construction of the same will be of great benefit to the United States and to this state; and  
 WHEREAS, If the cable is made by an American company in the United States, it will favorably advertise our manufactures abroad and give employment to a great number of our citizens; now, therefore, be it

Pacific  
 cable, to be  
 made in  
 United  
 States.

*Resolved by the senate and the assembly, jointly,* That our senators in congress be instructed, and our representatives therein be requested and urged to vote for and use all honorable means to secure the passage of a bill requiring the laying of such cable, and also requiring that the cable be made by an American company in the United States; and be it further

*Resolved,* That a copy of this resolution be forwarded by telegraph to Hon. George C. Perkins, and that he be requested to deliver a copy of the same to each member of the California delegation in congress.

## CHAPTER XXII.

*Assembly Concurrent Resolution No. 16, relative to consent of the legislature to the absence of the governor of the state, Hon. Henry T. Gage, from the state for a period not to exceed four months.*

[Adopted March 3, 1899.]

Leave of  
 absence for  
 Governor  
 Gage.

*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 Henry T. Gage, may depart from the state of California at any time during the remainder of his official term, and may remain absent for a period not to exceed four months from and immediately succeeding the time of his departure.

## CHAPTER XXIII.

*Assembly Constitutional Amendment No. 23, 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 ten, article nine, thereof, confirming the founding of the Leland Stanford Junior university, delegating certain powers to the trustees thereof, and authorizing the exemption of certain of its property from taxation.*

[Adopted March 3, 1899.]

The legislature of the state of California, at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, 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 ten, article nine, thereof, as follows:

Section 10. The trusts and estates created for the founding, endowment and maintenance of the Leland Stanford Junior university, under and in accordance with "An act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara county, and by the amendments of such grant, and by gifts, grants, bequests and devises supplementary thereto, and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Leland Stanford Junior university, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior university upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests and devises supplementary thereto. The legislature, by special act, may grant to the trustees of the Leland Stanford Junior university corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance or benefit of the Leland Stanford Junior university, or of any department thereof, may be exempted by special act from state taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the

Confirm-  
ing the  
founding  
of Stanford  
university,  
and ex-  
empting  
certain of  
its prop-  
erty from  
taxation.

university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the legislature.

#### CHAPTER XXIV.

*Assembly Joint Resolution No. 12, relative to exposition at San Francisco in 1901, of products and industries of Pacific Ocean countries.*

[Adopted March 3, 1899.]

- Preamble. WHEREAS, An exposition of the products and industries of the United States, the Hawaiian and Philippine islands, and other countries, is proposed to be held at the city of San Francisco, state of California, beginning May first, nineteen hundred and one, and continuing to the end of the year;
- WHEREAS, Such exposition, though originally proposed to commemorate the fiftieth anniversary of the admission of California into the union, will also commemorate the third anniversary of Admiral Dewey's victory in Manila bay; the former, following the discovery of gold, inaugurated a new epoch in history, the latter opened forever the gates of the commerce of the eastern world to the United States;
- WHEREAS, Such an exposition will be national in character, gratifying alike the patriotic pride of the people and their desire to stimulate our foreign and domestic commerce;
- WHEREAS, The course of events guided by the valor of our soldiers and sailors make the time and place fixed for such exposition propitious, and our duty imperative to hold the commercial advantages sure to accrue to our country therefrom; therefore, be it

Exposition  
at San  
Francisco  
in 1901.

*Resolved by the assembly, the senate concurring*, That we respectfully urge the president, and the congress of the United States, to make a government exhibit at said exposition;

That we further respectfully urge an appropriation by the United States in aid of such exposition;

That our senators be instructed, and our representatives in congress be requested, to use all honorable means to secure such government exhibit and appropriation;

That the governor of California be requested to forward to the president of the United States, the senate and house of representatives, and our senators and members of congress, a certified copy of these resolutions.



## CHAPTER XXV.

*Senate Joint Resolution No. 18, relative to Yosemite national park.*

[Adopted March 6, 1899.]

- WHEREAS, By an act of congress approved October first, Preamble. eighteen hundred and ninety, the tract of land in the state of California described as townships one (1) and two (2) north, and townships one (1), two (2), three (3), and four (4) south, all of ranges nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) east, also townships one (1), two (2), three (3), and four (4) south of range twenty-five (25) east, and also townships three (3) and four (4) south of range twenty-six (26) east, excepting therefrom that tract of land known as Yosemite valley, granted to the state of California for a public park by an act of congress approved June thirtieth, eighteen hundred and sixty-four, as the same has been surveyed out and accepted by said state, have been set apart for a public park, and the same is known as the "Yosemite National Park"; and
- WHEREAS, The said park by the said act is placed under the exclusive control of the secretary of the interior, with power given to the said secretary of the interior to make such rules and regulations as he may think necessary or proper for the management of said tract of land; and
- WHEREAS, The purpose for the creation by congress through said act of said Yosemite national park was to preserve the timber within the boundaries thereof and to hold the lands therein as a public park; and
- WHEREAS, It appears from the records of the general land office that there is within said park three hundred and fifty-one (351) valid claims of title, which claims cover an aggregate of 53,931.15 acres, and unpatented claims covering 327.97½ acres of land, making a total of 59,259.12 acres of land within said park owned by private individuals; and
- WHEREAS, For many years prior to the enactment of said act of congress, the individuals owning the lands situate within said park and for which title has been obtained, were accustomed to use the same for the purpose of raising and grazing stock thereon, the raising of said stock forming one of the principal industries of Tuolumne, Mariposa, and Merced counties; and
- WHEREAS, By the rules and regulations governing said park as formulated by said secretary of the interior that "no person other than transient visitors will be permitted to be within the park without the written authority from the secretary of the interior," thereby preventing the owners of said valid claims within said park from using their said lands and following their legitimate business, thus depriving several counties of a source of revenue; and

WHEREAS, The grazing of stock within said park will materially keep down the undergrowth thereon and thereby have a tendency to prevent the spreading of forest fires and will more fully preserve the timber therein as intended by the provisions of said act; and

WHEREAS, There is within said park a larger area of land than is necessary for a public park, and that in a large portion thereof there is no timber of any consequence; and, therefore, be it

Grazing of  
stock in  
Yosemite  
national  
park.

*Resolved by the senate of the state of California, the assembly concurring,* That our representatives in congress are requested, our senators are instructed to use every effort that is honorable to have the area of said park reduced and to cause the formulation of rules governing said park which will permit the owners of lands therein to graze their stock upon said lands and within said park as they have heretofore done; and be it further

*Resolved,* That the governor of this state is hereby directed to transmit a copy of this resolution to each of our senators and representatives in congress.

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#### CHAPTER XXVI.

*Senate Joint Resolution No. 21, relative to the mineral land bill.*

[Adopted March 6, 1899.]

Mineral  
land bill  
in con-  
gress.

*Resolved by the senate and assembly of the state of California, jointly,* That we earnestly urge immediate consideration of the mineral land bill now pending in congress, and respectfully request Hon. T. B. Reed, speaker of the house of representatives, to recognize some member of the California delegation, to call the same up for consideration before the close of the present session.

*Resolved,* That the secretary of the senate be instructed to transmit by telegraph a copy of the foregoing resolution to the speaker of the house of representatives at Washington, D. C.

## CHAPTER XXVII.

*Senate Concurrent Resolution No. 10, relative to leave of absence for Dr. George I. Drucker.*

[Adopted March 6, 1899.]

WHEREAS, Dr. George I. Drucker, a member of the state board of medical examiners, finds it necessary to restore his health, and on account of business, to leave the state; therefore, be it

*Resolved, the senate and assembly concurring,* That permission is hereby granted to said Dr. George I. Drucker, to leave the state of California for a period not exceeding six months from the first day of March, eighteen hundred and ninety-nine. Leave of absence for Dr. Drucker.

## CHAPTER XXVIII.

*Assembly Joint Resolution No. 7, relative to irrigation of San Joaquin valley.*

[Adopted March 6, 1899.]

WHEREAS, The right of conservation and appropriation of the waters of the streams of the state for purposes of irrigation, under wise and judicious restrictions, and in such manner as to give an equitable distribution thereof, must be accorded; and Preamble.

WHEREAS, Every foot of the great San Joaquin valley, comprising the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and Kern, with an area of over seven and one half millions of acres, might be irrigated from the waters of the Stanislaus, Tuolumne, Merced, Fresno, San Joaquin, Kings, and Kern rivers; and

WHEREAS, The physical and climatic conditions of this valley render it impossible to till the land successfully and with certainty without an artificial supply of water for irrigation thereof; and

WHEREAS, Much of the valley is too arid for cultivation without irrigation, and with water will produce abundantly of all the staple fruits and cereals, and would be worth vast sums of money, but without water produces nothing with certainty, and is comparatively valueless; and inasmuch as irrigation means population, progress, prosperity, and wealth to this valley; now, therefore, be it

*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 of the cost of by engineers of the federal Irrigation of San Joaquin valley.

government, and a proposal of a plan for the extent and circumstances of restraining works to confine and husband the waters of the Stanislaus, Tuolumne, Merced, Fresno, San Joaquin, Kings, and Kern rivers, where a dam or dams on each of them can be best located, the amount of water that may be utilized, and a secondary system of main irrigating canals leading therefrom, and tertiary distributing facilities, and such other necessary works as will provide for the sufficient irrigation of the whole valley of the San Joaquin, and to enable the valley to be divided into districts, and the amount of land that may be irrigated in each, and that following such report, an appropriation may be made by congress to defray the cost of the same.

*Resolved further*, That the chief clerk transmit by mail a copy of this resolution to each senator and congressman from California, at Washington, D. C.

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## CHAPTER XXIX.

### *Senate Joint Resolution No. 22.*

[Adopted March 8, 1899.]

**Preamble.** WHEREAS, Owing to the light rainfall to date in this state, in many of the counties in which stock-raising is being carried on, there is such a scarcity of water and grass as will result in great loss of stock in said counties; and

WHEREAS, The Stanislaus, Sierra, Mariposa, and Sequoia forest reserves will afford large amount of pasturage for stock and without injury to the timber thereon; therefore, be it

**Grazing in forest reserves.** *Resolved*, That we earnestly request his excellency, the president of the United States, and honorable secretary of the interior to permit the owners of cattle, horses, and sheep to pasture the same within said Stanislaus, Mariposa, and Sequoia forest reserves during the year eighteen hundred and ninety-nine.

*Resolved*, That a copy of this resolution be by the secretary of the senate immediately transmitted by wire to Honorable Marion De Vries, Washington, D. C.

## CHAPTER XXX.

*Assembly Constitutional Amendment No. 14, 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 article nine thereof, to be numbered with the next consecutive number of sections to said article, relating to exempting from taxation all property of "The California School of Mechanical Arts.*

[Adopted March 11, 1899.]

The legislature of the state of California, at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, 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 article nine of the constitution of the state of California, to be known and designated with the next consecutive numeral in said article, as follows:

All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the state of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given.

To exempt from taxation the "California school of mechanical arts."

## CHAPTER XXXI.

*Senate Concurrent Resolution No. 12, relative to the consent of the legislature to absence from the state of state senator H. L. Pace, of Tulare, for a period not to exceed six months.*

[Adopted March 16, 1899.]

*Resolved by the senate, the assembly concurring.* That the legislature of the state of California has consented and does hereby consent, that state senator Honorable H. L. Pace may depart from the state of California at any time during the remainder of his official term as state senator, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Leave of absence for Senator H. L. Pace.

## CHAPTER XXXII.

*Senate Joint Resolution No. 19—Resolution as to making upon the island of Molokai a leper hospital for the care of all lepers within the United States.*

[Adopted March 17, 1899.]

**Preamble.** WHEREAS, There has been lately annexed to these United States a large island known as Molokai, one of the Hawaiian group; and

WHEREAS, Upon the said island of Molokai there is a leper hospital devoted entirely to the care and cure of lepers, and which island, on account of its locality and conditions, is peculiarly adapted for such purposes; therefore, be it

Leper hos-  
pital on  
island of  
Molokai.

*Resolved by the senate and assembly, jointly,* That we hereby recognize the great necessity of having all those afflicted with leprosy confined within and upon the said island of Molokai, both because of its isolated condition and equable climate; and be it

*Resolved,* That we call upon our representatives in congress to use every honorable effort to have every leper found within these United States, or hereafter to be found herein, sent to the said island of Molokai for care and treatment; and be it further

*Resolved,* That the secretary of the senate be requested to transmit these resolutions to our senators and representatives in congress.

## CHAPTER XXXIII.

*Senate Constitutional Amendment No. 14—To propose to the people of the state of California an amendment to the constitution of the state, amending article thirteen, by adding a new section thereto, to be known as section number one and three fourths, relating to the exemption from taxation of all bonds issued by the state of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation and irrigation districts) within said state.*

[Adopted March 17, 1899.]

To exempt  
bonds  
from  
taxation.

*Resolved by the senate, the assembly concurring,* That the legislature of the state of California, at its regular session, commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of all members elected to each house concurring, hereby proposes that article thirteen of the constitution of said state be amended by adding thereto a new section, to be known as section number one and three fourths, which shall read as follows, to wit:

Section 1 $\frac{1}{2}$ . All bonds hereafter issued by the state of California, or by any county, city and county, municipal corporation, or district (including school, reclamation and irrigation districts) within said state, shall be free and exempt from taxation.

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CHAPTER XXXIV.

*Assembly Concurrent Resolution No. 19, relative to adjournment.*

[Adopted March 17, 1899.]

*Resolved by the assembly, the senate concurring, That the legislature adjourn sine die at twelve o'clock, midnight, on Saturday, March eighteenth, eighteen hundred and ninety-nine.* Sine die adjournment.

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CHAPTER XXXV.

*Senate Constitutional Amendment No. 4—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 two and one half, article two, thereof, concerning primary elections.*

[Adopted March 18, 1899.]

The legislature of the state of California, at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby propose that a new section be added to the constitution of the state of California, to be known and designated as section two and one half, article two, thereof, as follows:

Section 2 $\frac{1}{2}$ . The legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be optional in any city, city and county, county, or political subdivision of Primary election laws.

a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive, without making compensation either general or uniform.

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CHAPTER XXXVI.

*Senate Constitutional Amendment No. 9—Proposed amendment to article six of the constitution, relative to the compensation of supreme and superior court judges.*

[Adopted March 18, 1899.]

The legislature of the state of California, at its thirty-third session, two thirds of all the members elected to the senate and assembly voting therefor, proposes to the qualified electors of the state the following amendment to the constitution: That section seventeen of article six be amended so as to read:

Salaries of  
judges of  
supreme  
and  
superior  
courts.

Section 17. The justices of the supreme court and judges of the superior court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected, which compensation shall be paid by the state. Until otherwise changed by the legislature, the annual salaries of the justices of the supreme court shall be six thousand dollars each, and the superior court judges shall receive the salaries now allowed by law, payable monthly. Each judge of the superior court may appoint a competent stenographer for his court, who shall hold office during good behavior. Such stenographer shall receive a salary for reporting, payable by the state, and fees for transcription when required, payable in criminal cases by the county, and in civil cases by the party ordering the same. Such salary, which may vary in different counties in proportion to duties, and such fees shall be fixed by law.

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phers.



## CHAPTER XXXVII.

*Senate Constitutional Amendment No. 22—To propose to the people of the state of California amending the constitution of the state of California by amending sections one, two, three, four, ten, twelve, fourteen, sixteen, seventeen, eighteen, twenty-one, twenty-three, and twenty-four of article six thereof, relating to the judiciary, and establishing courts of appeal.*

[Adopted March 18, 1899.]

The legislature of the state of California, at its regular session commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes that sections one, two, three, four, ten, twelve, fourteen, sixteen, seventeen, eighteen, twenty-one, and twenty-three of article six of the constitution of said state be amended so as to read as follows; and that section twenty-four of said article be and the same is hereby annulled:

## 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, district courts of appeal, 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. Judicial department of the state.

SEC. 2. The supreme court shall consist of a chief justice and four associate justices; *provided*, that the chief justice and the associate justices in office at the time of the adoption of this amendment shall continue in office and constitute the court until the expiration of their respective terms of office; *and provided further*, that at the expiration of the term of office of the two justices having at the time of the adoption of this amendment the shortest terms to serve, their offices shall be abolished. The presence of a majority of the justices shall be necessary for the transaction of business (except such as may be done at chambers), and the concurrence of a majority of the justices shall be necessary to pronounce a judgment. Supreme court.

The supreme court shall hold all of its sessions at San Francisco. There shall be three regular sessions each year, beginning on the second Monday in January, May, and September. Special sessions may be held at any time on the order of the chief justice or of three associate justices. Sessions.

The chief justice and the justices of the supreme court shall be elected by the qualified electors of the state at large at the general state elections at the times and places at which state officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election. Terms of justices.

If a vacancy occur in the office of a justice the governor shall appoint a person to hold the office until the election and Vacancies.

qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election at which state officers are elected, and the justice so elected shall hold the office for the remainder of the unexpired term.

Jurisdiction of supreme court.

The supreme court shall have appellate jurisdiction direct from the superior courts in every action, proceeding or special proceeding where is necessarily drawn in question the validity of a statute, or of an authority exercised under the United States; or where is necessarily drawn in question the validity of the constitution or any statute of or authority exercised under this state on the ground of being repugnant to the constitution or laws of the United States; or where is necessarily drawn in question the validity of any statute of or authority exercised under this state on the ground of being repugnant to the constitution of this state; or where is necessarily drawn in question the legality of any tax, impost or assessment; in all proceedings in exercise of the right of eminent domain; in actions or proceedings for usurpation or intrusion into, or unlawful holding of, a public franchise; also in all criminal actions (on questions of law alone) in which the judgment shall be death or imprisonment for life; and also in all cases in which the fact of the adoption by a city, or of a city and county, of a charter for its own government, or the validity of the same, or any part thereof, or of any authority exercised thereunder, is necessarily drawn in question. It shall also have appellate jurisdiction in every action, proceeding or special proceeding determined by any district court of appeal the record in which may, by order pursuant to the further provisions on these subjects hereinafter contained in this article, be directed to be transmitted to it. It shall also have jurisdiction in every action, proceeding and special proceeding which shall actually have been submitted to it for decision before the organization of the district courts of appeal established by this amendment, and of every pending cause which shall not be transferable to the district courts of appeal as hereinafter provided. And in all cases in which the supreme court shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record, whether or no they be such as of themselves would entitle the court to take jurisdiction of the cause.

Appellate districts.

SEC. 3. The state is hereby divided into three appellate districts, in each of which there shall be a district court of appeal, consisting of three justices. There shall in each year be four regular sessions of each district court of appeal, commencing on the second Monday in February, May, August and November. Special sessions may be held at any time upon the order of the court.

First district.

The first appellate district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito. The official designation of the district court of appeal in this district shall be "The Court of Appeal of the State of California in and for the First District," and it shall hold its sessions at the city and county of San Francisco.

The second appellate district shall embrace the following named counties in the state: Fresno, Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego. The official designation of the district court of appeal for this district shall be "The Court of Appeal of the State of California in and for the Second District," and the court shall hold its sessions at the city of Los Angeles. Second district.

The third appellate district shall embrace the following named counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, Mono, Mariposa, Madera, and Merced. The official designation of the district court of appeal of this district shall be "The Court of Appeal of the State of California in and for the Third District," and the court shall hold its sessions at the city of Sacramento. Third district.

The legislature may remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general state elections at the times and places at which state officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding the election; *provided*, that on or before the first day of January after this amendment takes effect the governor shall appoint three justices for each district court of appeal, to hold office until qualification of justices to be elected at the next succeeding general election. The justices of each district court of appeal so elected at the first election shall, at their first meeting, so classify themselves by lot that one of them shall go out of office at the end of four years, one at the end of eight years and the third at the end of twelve years. An entry of such classification shall be made in the minutes of the court signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. District justices: term of office.

If a vacancy occur in the office of a justice of the district court of appeal the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy. Such election shall take place at the next succeeding general election at which state officers are elected, and the justice so elected shall hold the office for the remainder of the unexpired term. Vacancies.

The justices of each of the district courts of appeal shall elect one of their number as a presiding justice. The presence of three justices shall be necessary for the transaction of any business by such court, and the concurrence of two justices shall be necessary to pronounce a judgment. Presiding justice.

Whenever any justice of the supreme court is for any reason disqualified or unable to act in a cause pending before it,

District justices may fill vacancies on supreme bench.

the remaining justices may select one of the justices of a district court of appeal to act pro tempore in the place of the justice so disqualified or unable to act. Whenever any justice of a district court of appeal is for any reason disqualified or unable to act in any cause pending before it the chief justice may appoint a judge of a superior court, who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act. A justice of one district court of appeal may at any time sit as a justice pro tempore in any other district court of appeal upon the written request of any justice of said court; every justice pro tempore of the supreme court or of the district court of appeal, while acting as such, shall have the same power and authority as the justice of such court.

Jurisdiction of courts of appeal.

The several district courts of appeal shall have appellate jurisdiction in every civil action, proceeding and special proceeding commenced and determined and (on questions of law alone) in every criminal action prosecuted by indictment or information in the superior courts within their several appellate districts, excepting only those actions, proceedings or special proceedings in which an appeal direct to the supreme court from the superior courts is expressly allowed by this article. The statutes now in force allowing, providing for and regulating appeals to the supreme court shall apply to appeals to the district courts of appeal so far as consistent with this article until the legislature shall make provisions for appeals to said courts.

Decrees final.

The judgments and decrees of the district courts of appeal shall be final in all causes embraced within their appellate jurisdiction, except in the following cases:

Exceptions.

In any case decided by a district court of appeal, if the decision of such court of appeal conflicts with a previous decision of the supreme court, or of another district court of appeal, the supreme court shall, upon petition to be filed within thirty days after entry of judgment in the district court of appeal, order the cause to be heard by the supreme court, and thereupon the record shall be transmitted to the supreme court, which shall hear and determine the cause.

Powers of supreme court.

The supreme court, or any justice thereof, shall have power to issue writs of habeas corpus, and the supreme court shall have power to issue writs of mandamus, certiorari, and prohibition to the district courts of appeal, and shall likewise have power to issue all writs, orders, and process necessary or proper to the complete and effectual exercise of its appellate jurisdiction. It shall also have power to issue writs of mandamus, certiorari, and prohibition in any matter affecting a state, congressional, or presidential election. The district courts of appeal shall have power to issue within their respective districts writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and shall likewise have power within such districts to issue all writs and orders necessary or proper to the complete and effectual exercise of their appellate jurisdiction. Each justice of the district courts of appeal shall have power to issue

Powers of courts of appeal.

writs of habeas corpus to any part of the appellate district in which he sits, and any such writ may be made returnable before the justice who issued it, or the court from which it was issued, or any justice thereof, or before any lower court of record, or before any judge thereof.

Unless oral argument be waived by the parties with the consent of the court every cause and matter in the supreme court and in any district court of appeal (except such applications as may be made *ex parte*) shall be orally argued by the parties or their counsel in open court; but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. Not more than twenty cases (except *ex parte* applications) shall be under submission for decision at any one time in the supreme court or in any district court of appeal. All decisions of the supreme court and of the district courts of appeal shall be given in writing and the grounds of the decision shall be stated. A remittitur or mandate must issue on every judgment of said courts on or before the expiration of thirty days after the rendition thereof.

SEC. 4. The supreme court shall, upon the organization of the district courts of appeal, transfer to them respectively any causes then pending in the supreme court and which have not been heard as are within the class of causes over which such district courts have appellate jurisdiction; and upon such transfer the district courts of appeal shall have full jurisdiction to hear and determine the same.

SEC. 10. Justices of the supreme court, of the district courts of appeal, 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 reasons therefor 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. 12. The supreme court, the district courts of appeal, the superior courts, and such other courts as the legislature may prescribe, shall be courts of record.

SEC. 14. 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.

Arguments

Decisions  
in writing.Transfer of  
causes to  
courts of  
appeal.Removal of  
judicial  
officers.Courts of  
record.Clerks of  
court.Court com-  
mission-  
ers.

Publi-  
cation of  
court  
opinions.

SEC. 16. The legislature shall provide for the speedy and uniform publication of such opinions of the supreme court and of the district courts of appeal as may be ordered by said courts respectively, and all such opinions shall be free for publication by any person.

Salaries of  
judges.

SEC. 17. The justices of the supreme court, of the district courts of appeal, and the 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, of the district courts of appeal and of the judges of the superior courts shall be paid by the state. Unless otherwise changed by the legislature the annual salaries of the justices of the supreme court and of the district courts of appeal shall be six thousand dollars each. Unless otherwise changed by the legislature the judges of the superior court shall receive an annual salary as now provided by law.

How paid.

Justices  
ineligible  
to any  
other  
office.

SEC. 18. The justices of the supreme court, of the district courts of appeal, and the 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.

Supreme  
court to  
appoint  
clerk.

SEC. 21. The supreme court shall appoint a clerk of that court, but the present clerk of the court shall hold office until the expiration of his term of office; a phonographic reporter, and a bailiff, who shall severally hold his office and be removable at the pleasure of the court. Each district court of appeal shall appoint a clerk, phonographic reporter and bailiff, who shall severally hold his office and be removable at the pleasure of the court by which he is appointed. The supreme court shall appoint a reporter of decisions, who shall appoint an assistant reporter for each of the district courts of appeal. All of said officers shall hold office and be removable at the pleasure of the supreme court. The decisions of the district courts of appeal shall be published in the same volumes with the opinions of the supreme court under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the supreme court shall be deemed to apply to the publication of the decisions of the district courts of appeal.

Qualifica-  
tions of  
judges.

SEC. 23. No one shall be eligible to the office of a justice of the supreme court, or of a district court of appeal, or of a judge of a superior court, unless he shall have been admitted to practice before the supreme court of the state.

Time limit  
for render-  
ing deci-  
sions.

SEC. 24. No judge of the supreme court, nor of a district court of appeals, nor of a superior court, shall 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.