

THE
MONTANA
STATE LAW LIBRARY
STATUTES OF CALIFORNIA,

PASSED AT THE

NINTH SESSION OF THE LEGISLATURE.

1858.

MONTANA
BEGUN ON MONDAY, THE FOURTH DAY OF JANUARY, AND ENDED ON MONDAY,
THE TWENTY-SIXTH DAY OF APRIL.



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STATUTES OF CALIFORNIA,

PASSED AT

THE NINTH SESSION OF THE LEGISLATURE.

CHAP. I.—*An Act to appropriate money for Postage and Express purposes during the present session of the Legislature.*

[Approved January 11, 1858.]

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

SECTION 1. The sum of two thousand nine hundred and fifty dollars is hereby appropriated from any moneys in the hands of the State Treasurer, not otherwise appropriated, to be used for postage and express purposes for Lieutenant Governor, members of the Legislature, secretary of the Senate, and clerk of the Assembly.

Moneys appropriated

Postage and express purposes.

SEC. 2. Each officer named in section first of this act, shall be entitled to such sum as he may require for postage and express purposes, during the present session of the Legislature, not exceeding twenty-five dollars, to be paid from appropriations made by this act.

Sum requir'd

SEC. 3. The Controller is hereby authorized and required to draw his warrant in favor of the sergeants-at-arms of the Senate and Assembly, in such sums as they may require, not exceeding the amount which may be, by provisions of this act, disbursed in either House.

Controller's warrant.

SEC. 4. The sergent-at-arms of the Senate, and the sergent-at-arms of the Assembly, shall open a postage account with the Lieutenant-Governor, secretary of the Senate, clerk of the Assembly, and each member of the Senate and Assembly, respectively, and shall furnish such postage and express stamps to each member, and to the Lieutenant Governor, secretary of the Senate,

Postage and express stamps.

and clerk of the Assembly, as he may require, not exceeding in value twenty-five dollars; and any residue which may result from said appropriation, at the close of the session, shall be paid into the state treasury to the credit of the general fund.

SEC. 5. The sergeant-at-arms of the Senate, and the sergeant-at-arms of the Assembly, shall make to their respective Houses, at the expiration of each month, after the passage of this act, an exhibit of the postage account of each person entitled to the benefit of this act.

CHAP. II.—*An Act to amend an Act entitled an Act to provide for the erection of a Jail in the County of Tuolumne, approved April eighteenth, one thousand eight hundred and fifty-six.*

[Approved January 18, 1858.]

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

SECTION 1. Section fourth of an act to provide for the erection of a jail in the county of Tuolumne, passed April 18, 1856, is hereby amended so as to read as follows :

Section four—The said Tuolumne county jail bonds shall be made payable at the office of the county treasurer of said county, and shall be paid by said treasurer out of the first proceeds that shall come into his hands for that purpose, payable in the order of their issuance; and the treasurer aforesaid is hereby authorized and directed to pay the money on said bonds as aforesaid, as fast as received by him.

CHAP. III.—*An Act to amend an Act entitled an Act to amend an Act entitled an Act to fix the times for holding the Terms of the District Courts throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three.*

[Approved January 19, 1858.]

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

SECTION 1. The tenth and eleventh sections of an act entitled an act to amend an act entitled an act to fix the times for holding the terms of the district courts throughout this state, passed May 18, 1853, approved May 4, 1855, is hereby amended so as to read as follows :

Section ten—In the tenth district, in the county of Yuba, on the third Monday of January, April, August, and November; and in the county of Sutter, on the first Monday of March, June, and October, and on the third Monday of December.

Section eleven—In the eleventh judicial district, in the county of El Dorado, on the second Monday in February, on the second Monday in May, on the third Monday in August, and on the third Monday in November. In the county of Placer, on the

second Monday in January, on the second Monday in April, on the second Monday in July, and on the third Monday in October. In the county of Yolo, on the third Monday in March, on the second Monday in August, and on the third Monday in December.

CHAP. IV.—*An Act to change the Name of James Defenbaugh to James D. Austin.*

[Approved January 27, 1858.]

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

SECTION 1. It shall be lawful for the person hitherto named and called James Defenbaugh, to change his name to that of James Defenbaugh Austin. ^{Name changed.}

CHAP. V.—*An Act to change the Name of Maria Rebecca Spear, to Maria Rebecca Morrill.*

[Approved January 28, 1858.]

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

SECTION 1. The name of Maria Rebecca Spear is hereby changed to Maria Rebecca Morrill. ^{Name changed.}

CHAP. VI.—*An Act concerning Evidence in Certain Cases.*

[Approved January 28, 1858.]

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

SECTION 1. The Secretary of State, and State Controller, or any clerk of said officers, and any clerk in the office of the State Treasurer, are hereby authorized and required to answer and obey any and all subpoenas, or subpoenas *duces tecum*, issued out of any of the courts of this state, in any and all actions, civil or criminal, now pending, or which may be hereafter instituted against any person or persons, on account of any act of Henry Bates, as State Treasurer, by or in behalf of the state, or in the name of any person or persons, for the use and benefit of the state. And the officers and clerks aforesaid, are authorized, and it is hereby made their duty, without a tender of fee, to produce and testify in relation thereto, before any such court issuing the subpoenas aforesaid, any and all books, records, papers, and files belonging to the offices of Secretary of State, State Controller, and State Treasurer, which may be by said subpoena designated and required. ^{Public officers. To give evidence. Case of Henry Bates.}

SEC. 2. Any officer or clerk, mentioned in the preceding sec-

Penalty for neglect of duty.

tion, who shall fail, neglect, or refuse, to obey any subpoenas issued in accordance with this act, when duly served therewith, may be proceeded against for contempt of the court issuing the same, as other witnesses now are.

CHAP. VII.—*An Act to authorize the issuance of Duplicates for certain lost War Bonds.*

[Approved January 29, 1858.]

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

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to Charles H. Reynolds, of the city of Marysville, and to Riggs & Co., of the city of Washington, District of Columbia; and to E. W. Clark, Dodge & Co., of the city of New York, or to their agents or attorneys, duplicates for the following described California twelve per cent. war bonds, as follows: to Charles H. Reynolds, duplicates for bonds numbered eight, sixty-seven, and seventy-four; to Riggs & Co., duplicates for bond numbered forty-two; and to E. W. Clark, Dodge, & Co., duplicate for bond number fifteen.

Twelve per cent. war bonds.

How to be signed.

SEC. 2. The said bonds shall be signed by the Treasurer and Controller of State, and endorsed by the Governor, and shall be written across the face thereof, "Duplicate."

Conditions prescribed.

SEC. 3. Before said war bonds, or any of them, shall be delivered to any of the persons hereinbefore named, the Treasurer shall demand and receive from each, bonds of indemnity, in the following sums: from Charles H. Reynolds, a bond in the sum of four thousand dollars; and from Riggs & Co., and E. W. Clark, Dodge & Co., bonds in the sum of fifteen hundred dollars each. Said bonds shall be payable to the state of California, conditioned against the appearance or presentment for payment of the original war bonds hereinbefore named.

Principals and sureties.

SEC. 4. Said bonds of indemnity need not be signed by the principals, but shall be executed by at least two good and sufficient sureties, to be approved by the Treasurer of State.

CHAP. VIII.—*An Act to confirm and legalize the Tax List or Assessment Roll of the City and County of San Francisco, for the fiscal year ending the thirtieth day of June, in the year eighteen hundred and fifty-eight, and to provide for the collection of delinquent taxes thereon.*

[Approved January 30, 1858.]

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

SECTION 1 The tax list or assessment roll, as completed by the acting assessor of the city and county of San Francisco, for the fiscal year ending June thirtieth, eighteen hundred and fifty-

eight, and delivered to the clerk of the board of supervisors, and corrected by the board of equalization, and delivered to the county auditor, and by him delivered as corrected to the tax collector of said city and county, is hereby confirmed in the hands of said tax collector, and declared to be legal and binding as a good and valid tax list or assessment roll, and in all respects sufficient in law as the duplicate assessment list of said city and county of San Francisco, for the fiscal year ending June thirtieth, eighteen hundred and fifty-eight, and the same is and shall be a full and sufficient warrant in the hands of said tax collector, to authorize and empower him to collect the taxes therein assessed.

Taxes—how collected.

SEC. 2. The board of equalization of said city and county of San Francisco, shall meet at the city hall in said city and county, on the first Wednesday in February, in the year eighteen hundred and fifty-eight, and shall hold sessions from day to day—twelve days, Sundays excepted. The tax collector shall, at all their said sessions, have before them the duplicate assessment roll now in his hands, and the said board of equalization shall, during said sessions, have power to correct any assessments in said list in like manner as they might have done at any time heretofore; at the close of the session on the last day herein named for the meeting of said board of equalization, the auditor of said city and county shall take note of any corrections of the assessments in said duplicate assessment list, and shall correct his books accordingly; and said duplicate assessment list shall be immediately re-delivered to the tax collector.

Board of equalization. Time of meeting.

SEC. 3. The tax collector shall, as soon as may be after receiving back the duplicate assessment list, as provided in the last section, give notice, by an advertisement to be published by five insertions in two newspapers published in said city and county, that he will proceed to collect the delinquent taxes due on said list; and at the expiration of ten days after the publication of said advertisement, he shall proceed to sell the real estate on which the taxes remain delinquent, in the manner provided in an act entitled "an act to provide revenue for the support of the government of this state," approved April twenty-ninth, eighteen hundred and fifty-seven; and he shall, in like manner, proceed to collect any taxes which may remain due upon personal property.

Sale of real estate for delinquent taxes.

SEC. 4. The time for the collection of said delinquent taxes is hereby extended to the first Monday in May, eighteen hundred and fifty-eight; and all acts required by law to be done by the tax collector on the first Monday of February, eighteen hundred and fifty-eight, shall be done on said first Monday in May, eighteen hundred and fifty-eight. The duplicate assessment list, corrected as herein provided for, shall be a warrant in the hands of the tax collector for the collection of the taxes due thereon; and in the discharge of his duty under said warrant, the tax collector shall have the same powers as a sheriff now has by law, in the levy of an execution, and in making sale of the property so seized.

Extension of time.

Power of tax collector.

SEC. 5. The president of the board of supervisors shall give notice of the time when, the place where, and the number of days the said board of supervisors will continue their sitting as a board of equalization to correct the said tax list or assessment

Board of supervisors. To give notice of meeting.

roll of said city and county by virtue of this act. Said notice to be published in not less than three daily newspapers printed in said city and county, in the English language, and in one each of the newspapers printed in said city and county in the German and French languages; and the first publications in the several papers aforesaid shall be on or before the first Tuesday in February, in the year of our Lord eighteen hundred and fifty-eight, and the same continue from day to day, until the last sitting of the said board of equalization.

Decision of
the board.

SEC. 6. All persons who shall neglect or refuse to appear before said board of equalization, during their sitting under the authority of this act, and make application to have the taxes assessed against them, or against property which they claim to own or represent, equalized and corrected on the assessment roll or tax list, as provided in this act, shall be bound in the same manner as if they had appeared before said board, for the purpose of having their taxes equalized.

Committee
to take
testimony.

SEC. 7. The said board of equalization may elect a committee of not less than three of their numbers, who may hear the parties, take testimony, and report the same to the board; but no correction shall be made on the tax list or assessment roll, without consent of a majority of the board. The party appearing by himself, or by attorney, before the board or their committee, to have the taxes equalized on the property which he claims to own or represent, may make oath as to the value of the same, which oath, the value fixed by the witness, with a short and concise description of the property, may be reduced to writing by any member of the board, committee, or their clerk, and read to or by the deponent, who shall sign the same, which shall be filed among the archives of said city and county by the president of the board of supervisors. The oath may be administered by any member of the board, or of the committee, or by their clerk. The oath, when reduced to writing, signed by deponent, with the value fixed by him, and a short and concise description of the property, and delivered to the board, shall be conclusive as to the value of the property taxed.

Oath to be
taken.

Property
liable.

SEC. 8. All property within the city and county of San Francisco, not upon the regular assessment roll, nor upon the supplemental assessment roll, nor now listed to owners known or unknown, shall be listed, assessed, and taxed by the board of equalization, and the tax collector shall proceed to collect the tax so levied.

Additional
bond.

SEC. 9. The tax collector shall, in addition to the bonds now required, give a further bond, in the sum of thirty thousand dollars, conditioned for the faithful performance of his duties under the provisions of this act.

CHAP. IX.—*An Act to Incorporate the Town of Union.*

[Approved February 2, 1858.]

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

SECTION 1. The tract of land situated in the county of Humboldt, heretofore known as The Town of Union, and designated and laid down on a map or plot of said town, on file in the office of the recorder of said county, and the inhabitants residing therein, shall be a corporation under the name and style of "The Town of Union," and by that name they and their successors shall be known in law; have perpetual succession; sue and be sued in all actions and proceedings; purchase, hold, and receive property, real and personal, and sell or otherwise dispose of the same for the common benefit; may provide for the regulation and preservation of all commons and burial grounds belonging to the town; and may have a common seal, and alter the same at pleasure.

Humboldt county.
Incorporation of town of Union.
Powers granted.

SEC. 2. The officers of the town of Union, shall consist of a board of five trustees, a treasurer, marshal, and assessor, who shall severally be elected by a majority of the votes cast at any regular election held for that purpose, by the qualified electors of the town; and shall hold their offices for one year, and until their successors are elected and qualified.

Officers.

SEC. 3. No person shall be eligible as an officer of said town who is not a qualified elector thereof and shall not have resided within this state for one year, and within said town for six months next prior to his election.

Qualification

SEC. 4. No person shall be entitled to vote at an election for town officers of said town, other than qualified electors of this state, and who shall have resided within said town thirty days next prior to such election.

Voters.

SEC. 5. The election for officers of said town shall be held on the first Monday of May in each year. It shall be the duty of the trustees, at least ten days prior to such election, to give notice thereof by publication in some newspaper published in said county, or by posting said notice in at least three conspicuous places in said town, designating in said notice the place of holding said election, and appointing an inspector and two judges of said election. Said inspector and judges shall be governed, in conducting said elections, by the laws regulating elections and defining their powers and duties; they shall, within five days after any election, make and deliver to the five persons receiving the highest number of votes cast for trustees, certificates of their election as trustees of said town; and to the other persons receiving the highest number of votes cast for other offices, certificates of their election to such offices respectively, and within the same time shall file with the clerk of the county court certified copies of such certificates, and return to the board of trustees the poll and tally-list of such election.

Time of election.

Notice to be given.

Inspectors and judges.

Certificates of election.

SEC. 6. The officers of said town, chosen at any election, shall, before entering upon the duties of their respective offices,

Oath of office

- and within ten days after the receipt of their certificates of election, take and subscribe the oath of office prescribed by law, to be endorsed upon said certificates, before any judge or justice of the peace of the county; and the treasurer, assessor, and marshal shall give bonds for the faithful performance of the duties of their respective offices, payable to the town by its corporate name, to be approved by the board of trustees, and in such penalties as they shall prescribe.
- Bonds.**
- Organization** SEC. 7. The board of trustees shall meet on the second Tuesday after their election, and shall then elect one of their number as president, and appoint a suitable person as clerk, who shall severally hold their offices for one year, unless sooner removed for misconduct in office or neglect of official duty.
- Regular meetings.** SEC. 8. The board of trustees shall hold a regular meeting on the first Tuesday of each month after their election, and at such other times as shall be appointed by the board. The president shall have power to call extra meetings, when in his judgment it shall be necessary, by giving one day's notice to the other trustees. All meetings of the board shall be public.
- Extra meetings.**
- Quorum.** SEC. 9. A majority of the board shall be a quorum to transact business. In the proceedings, each member and the president shall have one vote. They shall keep a journal of their proceedings, and, at the request of any member, shall cause the yeas and nays to be taken upon any question, and entered upon the journal.
- Journal.**
- Powers. First.** SEC. 10. The board of trustees shall have power: First, to make by-laws and ordinances, not in conflict with the constitution and laws of this state, or of the United States; to prevent and abate nuisances; to suppress vagrancy, and to prohibit disorderly conduct; to provide for licensing theatrical and other amusements, public shows, lawful games, and bars at which spirituous liquors are sold, in said town; to provide for licensing any, or all business not prohibited by law, and to apportion such licenses according to the amount of business transacted; and to act as a board of equalization of assessments. Second, to open, construct, grade, and repair streets, alleys, and sidewalks, at the expense of persons owning property on such streets or alleys; *Provided*, that the owners of two-thirds of such property shall first petition the board to have such streets or alleys opened, constructed, graded, or repaired. Third, to have obstructions removed from the streets, alleys, or sidewalks, at the expense of the owners of property adjacent thereto. Fourth, to establish and regulate markets, and improve the commons belonging to the town, for the health and benefit of the inhabitants; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the town with pure and wholesome water, or protecting it from fires. Fifth, to impose fines, penalties, and forfeitures, for breaches of ordinances, and to appropriate the proceeds thereof; *Provided*, that no fine be imposed exceeding two hundred dollars for any one breach of an ordinance, and no offender imprisoned more than sixty days for any one offence. Sixth, to levy and collect annually a poll-tax, not exceeding one dollar per capita, from each male inhabitant of the town, of twenty-one years of age and upwards; and a property tax, not exceeding one per cent., upon the assessed value of real and personal estate subject to taxation within the town. Sev-
- Second.**
- Proviso.**
- Third.**
- Fourth.**
- Fifth.**
- Proviso.**
- Sixth.**
- Seventh.**

enth, to pass ordinances for impounding and selling cattle, hogs, or goats found running at large within the corporate bounds. Eighth, to establish, by ordinance, a police and a fire department, and to make such regulations as they may deem necessary to protect the town from injuries by fire. Ninth, to fill, by appointment, any vacancy that may occur in said board, or in the office of any other town officer, by death, resignation, removal, failure to qualify, or other cause; *Provided*, that if, at any one time, the number of vacancies, from any cause, shall leave the board of trustees without a quorum, the remaining trustees or trustee shall order a special election to fill such vacancies, and give like notice thereof as is required to be given for the regular annual election of officers of said town. Said board shall also determine all questions of contested elections in their own body. Tenth, to provide, by ordinance, for the election of a town recorder, and for the election or appointment of such other officers as may be necessary, and to define their powers and prescribe their duties. They shall prescribe the duties and fix the compensation of all town officers, except as herein otherwise provided.

Eighth.

Ninth.

Proviso.

Tenth.

SEC. 11. It shall be the duty of the board of trustees to cause to be printed or published, for the information of the inhabitants, all the ordinances and regulations, except such as relate to conducting the business of the board; and, also, to record the same in a book, to be kept for that purpose, which book shall be received in evidence of the contents thereof, in all actions or proceedings. Said book shall be in the care and custody of the clerk of the board, and shall at all times be open to the inspection of any person. They shall, also, on the first days of July and January of each year, make out and cause to be published, a full and correct statement of all moneys received and expended; from what sources received, and for what purposes expended, during the six months next preceding; and, for a failure to publish said statement within ten days after said dates respectively, shall be severally and individually liable to pay, at the suit of any tax-paying inhabitant of said town, the sum of one hundred dollars, to be recovered in any court of competent jurisdiction, the proceeds of such suits to be paid, after deducting the costs of the same, to the town treasurer, for school purposes.

Ordinances of board of trustees.

Book of record.

SEC. 12. It shall be lawful for the board of trustees to take and hold any real or personal estate, given, granted, sold, or devised to the said town, for the common benefit of the inhabitants thereof, and to sell, lease, or dispose of the same, in such manner and at such times as may be lawful, and in their judgment most advantageous to the interest of the town, and to appropriate the proceeds thereof, when not otherwise directed by the conditions of the gift, grant, or devise, to all or any of the objects and purposes mentioned and specified in section first, and in subdivisions fourth and eighth of section tenth of this act, and for school purposes. For the purposes of assessment, they shall be deemed and taken to be the owners in fee of all commons, public grounds, streets, and alleys. They shall enter at the proper land office, as soon as the same can reasonably be done, all of the lands which by law they are entitled to enter, on behalf of said town, for a town site, and shall dispose of the same in accordance with the provisions of an act entitled "an act for the disposal of lots in the

Real and personal estate.

May be disposed of.

Town site and town lots.

towns and villages in the county of Humboldt," approved April twenty-seventh, one thousand eight hundred and fifty-five, and the acts amendatory thereof; and all of the lands so entered and paid for by them, and to which no valid claim shall be established under the provisions of said last-mentioned act, shall be deemed the property of said corporation, and may be disposed of in like manner as provided in this section for the disposal of lands acquired by purchase, gift, grant, or devise.

Compensat'n **SEC. 13.** The trustees of said town shall be entitled to receive a compensation for their services, to be paid by warrant upon the treasurer, of such sums, payable at such times as the board of trustees may prescribe, not exceeding five dollars per day of actual service rendered by them, or any of them, in attending the meetings of the board, or otherwise.

Contracts and liabilities. **SEC. 14.** The board of trustees of said town shall not contract any liabilities, either by borrowing money, loaning the credit of the town, or contracting debts, which, singly or in the aggregate, shall at any time exceed the sum of three thousand dollars.

Vacancies in office. **SEC. 15.** Vacancies in the office of trustee, or other town officer, shall be caused by death, resignation, failure to qualify within the time herein specified, removal from the town, absence therefrom for more than thirty days without leave of the board, or removal from office by a vote of the board for misconduct in office, or neglect of official duty; and any town officer other than trustees and his sureties may be held accountable upon his official bond, in damages, to any person or corporation aggrieved thereby, by suit before any court of competent jurisdiction, for misconduct in office or neglect of official duty.

Officers and sureties. **SEC. 16.** It shall be the duty of the president of the board to preside at its meetings, to appoint committees of the board, to exercise a supervision over the acts of subordinate officers, and over the general interests of the town, to countersign all warrants and licenses issued by the direction of the board, and all orders of the board upon the town treasurer.

President. **SEC. 17.** It shall be the duty of the other trustees to attend all regular and special meetings of the board, to act upon committees when appointed by the president, unless excused by a vote of the board, to aid in maintaining the peace and good order of the town, and the enforcement of the by-laws and ordinances, and to perform such other duties as may be prescribed by the board.

Preservation of order. **SEC. 18.** It shall be the duty of the treasurer to receive, and safely keep, all moneys due to the town, to keep an accurate account of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose expended, and shall make, quarter yearly, on the first Tuesdays of July, October, January, and April, of each year, a full and correct report to the board of trustees, of all such receipts and expenditures. He shall keep a separate and distinct account of all moneys received and paid out for school purposes. He shall pay out no moneys, in his hands, belonging to the town, except upon a warrant drawn in pursuance of an order of the board of trustees, specifying to whom and for what purpose the amount therein named is to be paid, signed by the clerk, and counter-

Treasurer to receive and keep all moneys

signed by the president of the board; and all such warrants, after being paid, shall be endorsed "paid," and filed in his office.

SEC. 19. The marshal shall be the collector of all taxes, assessments, licenses, and fines levied or imposed by the board of trustees; and for the purpose of collecting taxes and assessments upon real or personal estate, shall have the like power and authority as now is or may hereafter be given by law to the sheriffs, for the collection of taxes, except that in all cases of sales of property for taxes or assessments, the same shall be exposed for sale within the town; *Provided*, that all real estate, sold by him for taxes in said town, shall be subject to redemption in like manner, and upon the like terms and conditions as provided in like cases, by an act entitled "an act to provide revenue for the support of the government of this state," approved April twenty-ninth, one thousand eight hundred and fifty-seven. He shall, on the first Tuesday of every month, and as much oftener as the board of trustees may require, account with the treasurer concerning, and pay over to him all moneys then in his hands belonging to the town, and shall report quarterly, on the first Tuesdays of July, October, January and April, in each year, a full and correct statement of all moneys received and paid out by him in his official capacity during the three months next preceding such report, specifying from sources received, and to whom paid. He shall possess and exercise, as to all offences and misdemeanors committed within the corporate bounds, the like powers and duties as are by law conferred upon constables; and for services rendered by him in that capacity, shall be entitled to the same fees, to be paid in the same manner as constables in Humboldt county are by law entitled to receive. He shall also perform such other duties as the board of trustees may prescribe.

Tax collected by the marshal.

Proviso.

Offences and misdemean'rs.

Fees of marshal.

SEC. 20. The assessor shall, within such times as the board of trustees shall appoint, prepare and return to said board a full and complete assessment roll of all the property, real and personal, subject to taxation within the town, assessing the same to known and unknown owners, with the description or other designation and location thereof, and the cash valuation of the same; and shall perform such other duties in relation to the assessment of property as the board of trustees may require.

Assessment roll.

SEC. 21. It shall be the duty of the clerk of the board to keep the seal of the corporation, and all papers and documents belonging to the town, and to file them in his office under appropriate heads; to attend all meetings of the board of trustees, and keep a correct journal of their proceedings; to keep, in a separate book, a true record of all laws and ordinances of the board of trustees, and of amendments thereof, in chronological order; to make out and sign all warrants and licenses issued in pursuance of the orders and ordinances of the board of trustees, and affix the corporate seal to such licenses; to keep an accurate account, in a suitable book, of all orders or warrants drawn on the treasurer, specifying the amount, the date of issue, to whom payable, and for what purpose, of each order or warrant; also, to keep an account, in a separate book, of all licenses issued, the date of issue, to whom issued and for what purpose, the time for which they are granted, and the amount paid therefor; and he shall

Duty of clerk
Corporate seal.

Journal.

- perform such other duties as may from time to time be prescribed by the board of trustees.
- Recorder to be chosen.** SEC. 22. The recorder of said town, whenever such an officer shall be chosen under an ordinance for that purpose, duly passed by the board of trustees, as to public offences or misdemeanors committed within the town, shall have the like powers and jurisdiction as now are or may hereafter be conferred upon justices of the peace, and he shall have exclusive original jurisdiction over all violations of the town ordinances; and may, in accordance with the provisions of such ordinances, hold to bail, fine, or commit to prison, any person found guilty of a violation thereof, and for that purpose may issue all necessary writs and process; and he shall receive for his services the same fees as now are or may be allowed to justices of the peace for the like services in said county.
- Jurisdiction.**
- Fees.**
- Recorder's court.**
- Penalty.** SEC. 23. Until a recorder's court shall be established, the several justices of the peace, within the corporate limits, shall have jurisdiction of all actions or proceedings for the recovery of a fine, penalty, or forfeiture, imposed for the breach of any town ordinance, and of all proceedings respecting vagrants or disorderly persons.
- Proceedings, how to be commenced.** SEC. 24. All proceedings and actions under this act, before a justice's or recorder's court, within the corporate limits of the town, shall be commenced by complaint, setting forth the violation of the ordinance, or the act of vagrancy or disorderly conduct complained of, or the offence charged, with such particulars of time and place, person and property, as to enable the defendant to understand distinctly the nature of the offence charged, and to answer the complaint; every such complaint shall be verified by the oath of the party making it. To the complaint, the answer may be oral or in writing, and immediately thereafter the case shall be tried, unless, for good cause shown in law, an adjournment be granted. In all cases, the defendant shall be entitled to a trial by a jury of six persons.
- Jury trial.**
- Jurors and witnesses.** SEC. 25. In all actions or proceedings wherein the said corporation is a party, or which may be prosecuted or defended for their benefit, all persons living in the town shall be competent and qualified as jurors and witnesses, if in other respects competent and qualified.
- Acts valid.** SEC. 26. All ordinances, acts, and proceedings, heretofore passed, adopted, or done by the former acting board of trustees of said town, are hereby declared and made as valid and effectual in law, for the several purposes for which they were enacted or done, as though said boards of trustees had been, in all respects, valid boards of trustees in law.
- Assessments to be filed in recorder's office.** SEC. 27. All assessments laid by the board of trustees for opening, constructing, grading, or repairing streets, alleys, or sidewalks, shall be filed in the office of the recorder of Humboldt county, and shall specify the number or description and location of each parcel of land assessed; to what person or persons, as owners or claimants, and the amount assessed upon each parcel; and from the date of such filing, such assessment shall constitute a lien upon each parcel assessed, to the extent of its separate assessment; all such assessments shall be collected by the town marshal, in like manner as he is authorized by this act to collect

taxes upon real estate for town purposes, and the several owners of the parcels assessed shall have the like right of redemption as is herein provided in cases of real estate sold for taxes.

SEC. 28. A. Jacoby, William C. Martin, James A. Boutelle, Thomas J. Titlow, and H. W. Havens, are hereby appointed and declared trustees of said town under the provisions of this act, and shall hold their offices until the first Monday of May, one thousand eight hundred and fifty-eight, and until their successors are elected and qualified. They may appoint suitable persons to fill the offices of treasurer, assessor, and marshal, to hold their respective offices for the like period.

Names of trustees.

Term of office

CHAP. X.—*An Act to confirm and legalize the Tax List or Assessment Roll of the County of Marin, for the fiscal year ending the thirtieth day of June, A. D. eighteen hundred and fifty-eight, and to provide for the collection of delinquent taxes thereon.*

[Approved February 1, 1858.]

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

SECTION 1. The tax list or assessment roll, as completed by the acting assessor of the county of Marin, for the fiscal year ending June the thirtieth, eighteen hundred and fifty-eight, and delivered to the clerk of the board of supervisors, and corrected by the board of equalization, and delivered to the county auditor, and by him delivered, as corrected, to the tax collector of said county, is hereby confirmed in the hands of said tax collector, and declared to be legal and binding, as a good and valid tax list or assessment roll, and in all respects sufficient in law as the duplicate assessment list of said county for the fiscal year ending June the thirtieth, eighteen hundred and fifty-eight; and the same is and shall be a good and sufficient warrant, in the hands of said tax collector, to authorize and empower him to collect the taxes therein assessed.

Tax list to be corrected.

Legal and binding.

SEC. 2. The board of equalization of said county of Marin shall meet on the third Monday of February, eighteen hundred and fifty-eight, at their usual place of meeting, and shall hold sessions from day to day for four days. The tax collector shall, at all their said sessions, have before them the duplicate assessment roll now in his hands, and the said board of equalization shall, during the said sessions, have power to correct any assessments in said list, in like manner as they might have done at any time heretofore. At the close of the session, on the last day herein named for the meeting of the board of equalization, the auditor of said county shall take note of any corrections of the assessments in said duplicate assessment list, and shall correct his books accordingly, and said duplicate assessment list shall be immediately re-delivered to the tax collector.

Time of meeting.

Corrections to be made.

Auditor to take note.

SEC. 3. The tax collector shall, as soon as may be after receiving back the delinquent assessment list, as provided in the last section, give notice, by publication or otherwise, for ten days, that he will proceed to collect the delinquent taxes due on said

Tax collector to give notice to delinqt's.

list; and on the first Monday after the expiration of said time of notice, he shall proceed to sell the real estate on which the taxes remain delinquent, in the manner provided in an act entitled "an act to provide revenue for the support of the government of this state," approved April twenty-ninth, eighteen hundred and fifty-seven; and he shall, in like manner, proceed to collect any taxes which may remain due upon personal property.

Extension of time. SEC. 4. The time for the collection of said delinquent taxes is hereby extended to the first Monday in June, eighteen hundred and fifty-eight, and all acts required by law to be done by the tax collector on the first Monday of February, eighteen hundred and fifty-eight shall be done on said first Monday of June, eighteen hundred and fifty-eight. The duplicate assessment list, corrected as herein provided for, shall be a warrant in the hands of the tax collector for the collection of the taxes due thereon, and in the discharge of his duty under said warrant the tax collector shall have the same powers as a sheriff now has by law, in the levy of an execution and in making sale of the property seized.

Duplicates.

Publication. SEC. 5. The president of the board of supervisors of said county shall give notice of the time when, the place where, and the number of days the said board of supervisors will continue their sitting as a board of equalization to correct the said tax list or assessment roll of said county by virtue of this act; said notice to be given by posting notices in three of the most public places in said county, and by publication for one week in the San Francisco Herald, said notices to be given at least ten days before the meeting of said board.

Oath to be filed. SEC. 6. All persons who shall neglect or refuse to appear before said board of equalization during their sitting under the authority of this act, and make application to have the taxes assessed against them (or against property which they claim to own or represent) equalized and corrected on the assessment roll or tax list, as provided in this act, shall be bound in the same manner as if they had appeared before said board for the purpose of having their taxes equalized.

Value of property. SEC. 7. The party appearing by himself or attorney, before the board, to have the taxes equalized on the property which he claims to own or represent, may make oath as to the value of the same, which oath, the value fixed by the witness, with a short and concise description of the property, may be reduced to writing and read to or by the deponent, who shall sign the same, which shall be filed by the clerk of the board; the oath to be administered by the president of the said board; and, when reduced to writing, signed by deponent, with the value fixed by him, and a short and concise description of the property, and delivered to the board, shall be conclusive as to the value of the property.

CHAP. XI.—*An Act to authorize the Board of Supervisors of Napa County to levy a Tax for special purposes.*

[Approved February 1, 1858.]

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

SECTION 1. The board of supervisors in and for the county of Napa, are hereby authorized and empowered to levy and cause to be collected, in the same manner, and at the same time as other state and county revenues, the following annual tax, to wit: A sum not to exceed one-quarter of one per cent. upon all the taxable property in said county, for the purpose of constructing a public road from the city of Napa, by the way of Knight's Valley, in Napa county, to Russian River Valley, on the route viewed by Messrs. Haskins, Grigsby, Coombs, and Squibb, county surveyor; said road shall pass up Napa Valley on the west side of Napa Creek; and also for the purpose of constructing a public road from Napa City, running up the east side of Napa Creek, to Clear Lake, by the way of Childs' Cañon. The money arising from the tax authorized to be levied by the provisions of this act shall be used for the purposes specified in this section, and no other.

Annual tax to be levied.

Public road to be constructed.

Money to be used for no other purpose.

SEC. 2. It shall be the duty of the said board of supervisors, as soon as practicable, to advertise and receive proposals for the opening and constructing said roads or any part of them; and it shall be left discretionary with the said board to award such contract or contracts to such person or persons making the lowest bid, as they may deem sufficiently responsible for the prompt and faithful performance of said works.

Proposals.

Contract given to lowest bidder.

SEC. 3. An act entitled an act authorizing the board of supervisors of Napa county to levy a tax for certain purposes, passed April tenth, eighteen hundred and fifty-five, is hereby repealed.

Act repealed

CHAP. XII.—*An Act to change the Name of Elmer A. Clapp to Elmer A. Bennett.*

[Approved February 1, 1858.]

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

SECTION 1. It shall be lawful for the person heretofore known as Elmer A. Clapp to change his name to Elmer A. Bennett.

Name changed.

CHAP. XIII.—*An Act to regulate the Fees of certain County Officers of Contra Costa County.*

[Approved February 1, 1858.]

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

Officers' fees. SECTION 1. The county clerk of said county, as clerk of the district, county, and probate courts, and county recorder, the sheriff, county surveyor, justices of the peace, and constables of said county, are hereby authorized to charge and collect fees of office, in accordance with the provisions of "an act to regulate fees of office in the different counties in this state," approved April tenth, one thousand eight hundred and fifty-five, as they were collectable in said county under said act; *Provided*, that all fees collectable out of the county treasury, shall be paid under the provisions of the act now in force in said county.

Proviso.

CHAP. XIV.—*An Act to change the Name of William Willson Smith, to William Willson Lawton.*

[Approved February 1, 1858.]

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

Name changed. SECTION 1. It shall be lawful for William Willson Smith, of Marysville, to change his name to William Willson Lawton.

SEC. 2. This act shall take effect immediately.

CHAP. XV.—*An Act to legalize certain Records in the County of Tulare.*

[Approved February 2, 1858.]

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

Records. SECTION 1. The records of all deeds, mortgages, or other instruments of writing, of whatever description, which by law are required to be recorded, and which are recorded in the recorder's office of Tulare county, in books other than those specified in the "act concerning county recorders," passed March twenty-six, A. D. one thousand eight hundred and fifty-one, are hereby legalized and declared to have the same force and effect as though they were recorded in the books specified in the act aforesaid concerning county recorders, and in accordance with its provisions.

Duty of the recorder. SEC. 2. The county recorder of Tulare county shall, as soon hereafter as possible, transcribe, in such manner and into such books as are prescribed by sections twelve and fourteen of an

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Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April twenty-first, one thousand eight hundred and fifty-six, are hereby extended and made applicable to the counties of Humboldt and Merced.

CHAP. XVIII.—*An Act to locate the County Seat of San Mateo County.*

[Approved February 9, 1858.]

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

County seat
declared
permanent.

SECTION 1. Redwood City shall be, and is hereby, declared the county seat of said county.

SEC. 2. This act shall take effect from the date of its passage.

CHAP. XIX.—*An Act to reduce the Salary of the County Judge of Klamath County.*

[Approved February 10, 1858.]

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

Salary of
judge.

SECTION 1. From and after the expiration of the term of the present incumbent, the county judge of Klamath county shall receive for his services the sum of one thousand five hundred dollars per annum.

Act re-
pealed.

SEC. 2. An act entitled "an act to fix the compensation of the county judges of Siskiyou, Trinity, and Klamath, and to repeal in part the first section of the act entitled an act to fix the compensation of county judges and associate justices of the court of sessions," passed May seventeenth, one thousand eight hundred and fifty-three, so far as the same applies to Klamath county, is hereby repealed.

CHAP. XX.—*An Act to fix the Compensation of the County Assessor of Alameda County.*

[Approved February 10, 1858.]

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

Fees of
assessor and
deputies.

SECTION 1. The compensation of the county assessor and his deputies, in the county of Alameda, for their services, shall be such as may be allowed by the board of supervisors thereof, not to exceed eight dollars for each day actually engaged in the assessment of the property of the county; but they shall receive no *per diem* while engaged in collecting poll or other taxes.

SEC. 2. The act passed April twenty-fifth, one thousand eight hundred and fifty-seven, to fix the compensation of certain officers in the counties of Santa Clara, Santa Cruz, Sonoma, Monterey, Mariposa, Butte, Colusa, Napa, Yolo, San Joaquin, Alameda, and Yuba, is hereby repealed, so far as it relates to the assessor of the county of Alameda. Act re-pealed.

CHAP. XXI.—*An Act to amend an Act entitled an Act to regulate Fees in office in certain Counties, passed April twenty-eighth, one thousand eight hundred and fifty-seven.*

[Approved February 10, 1858.]

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

SECTION 1. Section sixteen of an act entitled an act to regulate fees in office, passed April twenty-eighth, one thousand eight hundred and fifty-seven, so far as it respects the county of Humboldt, is hereby repealed, except so much thereof as relates to mileage for going to the place of survey. Act re-pealed.

SEC. 2. The provisions of section thirty-seven of an act entitled an act to regulate fees in office, passed April tenth, one thousand eight hundred and fifty-five, so far as the same relates to the county of Humboldt, are hereby re-enacted, except as provided in section first of this act. Provisions re-enacted.

CHAP. XXII.—*An Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk, in the County of Placer.*

[Approved February 11, 1858.]

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

SECTION 1. From and after the second day of June, in the year one thousand eight hundred and fifty-nine, the offices of county recorder, county auditor, clerk of the board of supervisors, and clerk of the board of equalization, in the county of Placer, shall be separate from the office of county clerk. Separatio of offices.

SEC. 2. At the next general election, and at the next general election of every succeeding two years thereafter, there shall be elected in said county a county recorder, who shall enter upon the discharge of the duties of his office on the second day of June, in the year one thousand eight hundred and fifty-nine, and shall hold said office until the first Monday in December, in the year one thousand eight hundred and sixty, and until his successor is elected and qualified. County recorder.

SEC. 3. The terms of said office, except the one provided for in section two of this act, shall be two years, and commence on the first Monday in December, in the year one thousand eight Terms of service.

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hundred and sixty, and on the first Monday of December every second year thereafter.

Duties. SEC. 4. The county recorder of said county shall be, *ex officio*, county auditor, clerk of the board of supervisors, and clerk of the board of equalization of said county, and shall qualify for his said office and *ex officio* offices, enter into such bonds as are required, and discharge all the duties thereof during his said term, as required by law.

Compensation. SEC. 5. The county recorder of said county shall receive, from and after the second day of June, in the year one thousand eight hundred and fifty-nine, for his services as county recorder, and his services in said *ex officio* offices, a salary at the rate of three thousand dollars per annum; and which salary shall be in full for all services required of him by law, and shall be collected and retained in the manner hereinafter provided.

Excess of salary. SEC. 6. The county recorder of said county shall collect and safely keep all fees and per centage allowed him by law, except for such services as the county is chargeable for, services rendered by him in his said several official capacities; and, upon the first Monday in each month, on and after the said second day of June, in the year one thousand eight hundred and fifty-nine, shall pay the same into the county treasury of said county, less his salary for the preceding month.

Duties and fees. SEC. 7. The said county recorder shall keep an accurate account, in a fee-book, to be provided for that purpose, of all fees and per centage allowed him by law for services rendered in his said several official capacities, except for such services as the county shall be chargeable; and he shall, at the time provided for paying the same into the county treasury, file with the county treasurer of said county, a copy of the contents of said fee-book, under oath, embracing the contents of the same for the next preceding month to the day of filing the same; and said fee-book shall be kept with the record-books of said recorder's office, and remain public property, and shall be subject to examination, at all reasonable hours, by any citizen or tax-payer of said county, or other person interested; and he shall give certified extracts of the same, upon like terms as other records of his office are given.

Record books. SEC. 8. For a neglect or refusal to perform any of the duties of county recorder, or the said *ex officio* officers, when properly required to perform the same, the said officer shall be subject to suit upon his official bonds, at the instance of any citizen or tax payer of said county, or other person interested; and if judgment shall be rendered against him, he shall be subject to a fine of one hundred dollars, as well as such damage as the plaintiff in the action may prove; and for a willful neglect of any of the duties required by this act, he shall be subject to a criminal prosecution, and be punished by removal from his said office and *ex officio* offices, and by imprisonment in the state prison not less than one year, nor more than three years, and by fine not exceeding five thousand dollars, or by any one or by all of said penalties, in the discretion of the court before which the trial takes place; and the board of supervisors shall have power to take charge of his said office, and *ex officio* offices, at any time after proceedings are commenced against him, and to provide a suitable person, who shall qualify and discharge the duties of his

Liability.

Prosecutions.

Supervisors.

said several offices, until he shall be discharged from criminal liability, accruing by reason of any and all prosecutions herein referred to, or until his successor shall be elected and qualified; *Provided*, that the penalties imposed by this act shall not be held Proviso. to relieve said officer from any and all bonds, liabilities, and penalties, imposed on him in his several official capacities by any other laws of this state.

SEC. 9. The county treasurer of said county shall receive from said county recorder, all payments made by virtue of the provisions of this act, and shall receive and safely keep, for the use of the proper authorities, the said sworn statement from the fee-book; and shall, at the times of payment, receipt to the said recorder for the said moneys, charge himself with the amount, and shall place all such sums to the credit of the "Redemption Fund." Sworn statement.
Redemption Fund.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed, as far as they relate to the county recorder, and the said *ex officio* offices in the county of Placer county; *Provided*, that nothing in this section shall be held to affect any law relating to the compensation or fees for the present term of said office and *ex officio* offices. Repeal.
Proviso.

CHAP. XXIII.—*An Act to amend an Act entitled an Act to create the County of Del Norte, to define its boundaries, and to provide for its organization, passed March second, one thousand eight hundred and fifty-eight.*

[Approved February 11, 1858.]

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

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

Section two—The boundaries of the county of Del Norte shall be as follows: Commencing at a point in the Pacific ocean three miles from shore, on the forty-second parallel of north latitude, and running thence southerly three miles from shore to a point one mile south of the mouth of the Klamath River; thence easterly, on a line parallel with the Klamath River, to a point one mile south of the mouth of Blue Creek; thence, in a northeasterly direction, to the summit of the Siskiyou Mountains; thence, in an easterly direction, following the summit of the ridge that divides the waters of Clear Creek from the waters of Dillon's Creek, to the Klamath River, at a point equi-distant from the mouth of said Clear Creek and the mouth of said Dillon's Creek; thence across the Klamath River, and in an easterly and northerly direction, following the ridge of the mountain, and heading the waters that flow into said Klamath River on the south side, above the point last above mentioned, to said Klamath River, at the head of the cañon, (said cañon being about five miles above the mouth of Indian Creek, and between Eagle Ranch and Johnson's Ranch,) and crossing said Klamath River at a point three miles south of Johnson's dwelling-house; thence due west to the summit of the ridge between the place of crossing and the Boundaries.

mouth of said Indian Creek; thence northerly, following said last mentioned ridge, to a point on the forty-second parallel of north latitude due north from the place of crossing last mentioned; and thence west to the place of beginning.

CHAP. XXIV.—*An Act to amend the first section of an Act entitled "An act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers," passed March twentieth, one thousand eight hundred and fifty.*

[Approved February 11, 1858.]

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

SECTION 1. The first section of an act entitled "an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers," passed March twentieth, eighteen hundred and fifty, is hereby amended so as to read as follows: The Governor may, when in his judgment it may be necessary, appoint in each of the United States, and in each of the territories and districts of the United States, and in each foreign state, territory, and colony, one or more commissioners, to continue in office four years, unless removed by the Governor; every such commissioner shall have power to administer oaths, and to take depositions and affidavits to be used in this state; and also to take the acknowledgment or proof of any deed or other instrument to be recorded in this state.

Governor to
appoint.

CHAP. XXV.—*An Act to amend the sixth section of an Act entitled "An Act defining the rights of Husband and Wife," passed April seventeenth, eighteen hundred and fifty.*

[Approved February 11, 1858.]

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

SECTION 1. The sixth section of an act entitled "an act defining the rights of husband and wife," passed April seventeenth, eighteen hundred and fifty, is hereby amended so as to read as follows: The husband shall have the management and control of the separate property of the wife during the continuance of the marriage; but no sale or other alienation of any part of such property can be made, nor any lien or encumbrance created thereon, unless by an instrument in writing, signed by the husband and wife, and acknowledged by her, upon an examination separate and apart from her husband, before any judge of a court of record or notary public; or, if executed out of this state, then so acknowledged before some judge of a court of record, or before a commissioner appointed under the authority of this state to take acknowledgments of deeds; or before any minister, secretary of legation, or consul of the United States,

Rights of
husband
and wife.

appointed for and residing in the foreign country in which the said deed is to be acknowledged.

CHAP. XXVI.—*An Act for the relief of John B. Cecil, Sheriff of Klamath County.*

[Approved February 11, 1858.]

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

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the State Treasurer in favor of John B. Cecil, sheriff of Klamath county, for the sum of three hundred and seven dollars and fifty cents, and the Treasurer is required to pay the above-mentioned sum, which is hereby appropriated out of any money in the treasury not otherwise appropriated. Relief of sheriff.

CHAP. XXVII.—*An Act to authorize the Board of Supervisors of Santa Cruz County to levy a Special Tax for building purposes.*

[Approved February 11, 1858.]

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

SECTION 1. The board of supervisors of the county of Santa Cruz may, in addition to the taxes now authorized by law, levy a special tax for building purposes, not to exceed twenty cents on each one hundred dollars of taxable property in said county; said tax shall be collected at the same time and in like manner as other taxes for county and state purposes are collected. Special tax.

SEC. 2. When the amount of money collected under and by virtue of this act shall amount to the sum of one thousand five hundred dollars, no more taxes shall be assessed for said purpose; but if, in any year, an amount shall be collected under this act, which, added to the sum already in the treasury to the credit of said fund, shall exceed the amount herein authorized to be raised, the amount of such excess shall be placed to the credit of the common school fund of said county. Limit of assessment.
School fund.

CHAP. XXVIII.—*An Act amendatory of and supplementary to an Act entitled "An Act to authorize the Board of Supervisors of Humboldt County to levy a Special Tax for certain purposes, and to provide for the collection of the same," approved April eighteenth, one thousand eight hundred and fifty-seven.*

[Approved February 11, 1858.]

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 authorize the board of supervisors of Humboldt county to levy a special tax for certain purposes, and to provide for the collection of the same, approved April eighteenth, one thousand eight hundred and fifty-seven, is hereby amended so as to read as follows :

Section one—The board of supervisors of the county of Humboldt are authorized, and it is hereby made their duty, to levy a special tax, annually, upon all property in said county subject to taxation, of not less than ten nor more than fifty cents upon each one hundred dollars of assessed value, to be collected at the same time and in the same manner as other property taxes in said county are collected.

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

Section two—The fund derived from said special tax shall be set apart as a special fund, to be known as the "public building fund" of said county; and whenever the amount of moneys in said fund shall, in the opinion of the board of supervisors of said county, be sufficient for that purpose, it shall be their duty to apply the same to the erection, completion, and furnishing of a suitable building for a county jail, and the purchase of the necessary grounds therefor, and for no other purpose.

SEC. 3. When said jail shall be erected, completed, and properly furnished and paid for, the special tax provided for in section one of this act, shall not thereafter exceed twenty cents upon each one hundred dollars of assessed value, and the proceeds thereof shall be applied by the board of supervisors of said county towards the erection, repairing, and furnishing of any public buildings necessary for county purposes, and for no other purpose.

CHAP. XXIX.—*An Act to audit the Claim of B. F. Hastings.*

[Approved February 12, 1858.]

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

SECTION 1. The claim of B. F. Hastings, for five thousand two hundred and ten dollars, for rent of Supreme Court rooms, for the months of April, May, June, July, August, September, October, November, and December, one thousand eight hundred and fifty-six, is hereby audited and allowed.

CHAP. XXX.—*An Act for the relief of B. F. Hastings.*

[Approved February 12, 1858.]

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

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moncys in the treasury, not otherwise appropriated, to pay the claim of B. F. Hastings, for repairs of Supreme Court room. Claim of Relief of.

CHAP. XXXI.—*An Act for the relief of John M. Murphy and Jacob L. Miller, for the apprehension of Pancho Daniels and Leonardo Lopez, charged with the murder of the Sheriff of Los Angeles County, and others.*

[Approved February 13, 1858.]

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

SECTION 1. One thousand five hundred dollars is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of paying the claim of John M. Murphy and Jacob L. Miller, for services rendered in the apprehension of Pancho Daniels and Leonardo Lopez, fugitives from justice, in the year one thousand eight hundred and fifty-seven ; and the Controller of State is hereby authorized and instructed to draw his warrant upon the Treasurer of State for the above-named amount. Liquidation of a claim.

CHAP. XXXII.—*An Act to change the Name of Michael Nicholas Diffendaffer, to Addison Diffendaffer Martin.*

[Became a Law by operation of the Constitution, February 15, 1858.]

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

SECTION 1. It shall be lawful for the person heretofore bearing the name of Michael Nicholas Diffendaffer, to change the said name to Addison Diffendaffer Martin. Name changed.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in scssion, it has become a law this fifteenth day of February, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. XXXIII.—*An Act supplementary to and amendatory of "An Act entitled An Act to authorize the issuance of Duplicates for certain lost War Bonds," passed January twenty-ninth, one thousand eight hundred and fifty-eight.*

[Approved February 16, 1858.]

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

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

War bonds.

The said bonds shall be signed by the Treasurer and Controller of State, sealed with the seal of the state, and endorsed by the Governor, and shall be in words and figures following, to wit :

<p>CALIFORNIA TWELVE PER CENT. WAR BONDS. Issued for the payment for services rendered in the suppression of Indian hostilities, April 1st, 1851.</p>	<p>DUPLICATE.</p>	<p>\$1,000. No. —</p> <p>On the first day of March, A. D. eighteen hundred and sixty-one, the State of California will pay to the order of the Governor of said state, the sum of one thousand dollars, and interest on that sum semi-annually, on the first day of March and September, of each year, from and after date, at the rate of twelve per cent. per annum.</p>
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To which said bonds shall be annexed the necessary coupons for interest.

CHAP. XXXIV.—*An Act to audit the Claim of H. W. Larkin.*

[Approved February 19, 1858.]

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

Printing expert.

SECTION 1. The claim of H. W. Larkin, as printing expert to board of examiners, for the year one thousand eight hundred and fifty-six, for the sum of six hundred dollars, is hereby audited and allowed.

CHAP. XXXV.—*An Act to authorize the Board of Supervisors of Siskiyou County to levy an Additional Tax for county expenditures.*

[Approved February 22, 1858.]

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

SECTION 1.—The board of supervisors of the county of Siskiyou

are hereby authorized and empowered annually to levy and collect an *ad valorem* tax of twenty cents upon each one hundred dollars' value of taxable property in said county, in addition to the tax now authorized to be levied and collected; *Provided*, that such additional tax shall be levied and collected at the same time, and in the same manner, as other taxes for county purposes.

Ad valorem tax.

Additional tax.

CHAP. XXXVI.—*An Act to amend an Act entitled an Act to Fund the Debt of the County of Siskiyou, approved April twenty-ninth, one thousand eight hundred and fifty-seven.*

[Approved February 22, 1858.]

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

SECTION I. Section six of said act, of which this act is amendatory, is hereby amended so as to read as follows:

Section six—All persons having any indebtedness of the county of Siskiyou, payable on or before the first day of January, one thousand eight hundred and fifty-eight, whether in warrants drawn upon the treasurer, or accounts audited and allowed by the board of supervisors, or accounts against the county, which accrued prior to the first day of January, one thousand eight hundred and fifty-eight, and which may be audited and allowed after that time, which indebtedness is payable out of the "general fund," "hospital fund," or "special hospital fund," of said county, shall be entitled to fund the same, by virtue of this act; *Provided*, that, for any fractional sum less than the amount of the bonds authorized to be issued by this act, said commissioners shall issue to the holder of the county warrant a certificate of such fractional sum; and upon the presentation of the same to the county auditor, he shall draw a warrant upon the county treasurer for the amount so certified; *And provided, further*, said warrants must be presented to the treasurer of said county within six months after the first day of January, one thousand eight hundred and fifty-eight.

Accounts, how paid.

Fractional sum.

Warrants, when to be presented.

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

Section eight—In addition to the ordinary taxes for county purposes, there shall be, for the year A. D. one thousand eight hundred and fifty-eight, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for as hereinafter provided, to be levied and collected, at the same time and in the same manner as other revenues of said county, a special tax, to be called "the interest tax," of fifty cents on each one hundred dollars of taxable property; which tax shall be collected in the legal currency of the state of California, and paid over to the county treasurer. The fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds, as herein provided; *Provided, however*, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such

Special tax.

Surplus.

surplus shall be turned over and paid into the "sinking fund" herein provided for.

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

Expenses. Section twelve.—The county treasurer shall pay, out of any money in the treasury not otherwise appropriated, any and all expenses that he may incur in having said bonds prepared; *Provided*, the sum so paid out shall not exceed four hundred dollars.

General fund Sec. 4. All moneys in the "hospital fund," and in the "special hospital fund," of said county, on the first day of January, one thousand eight hundred and fifty-eight, shall be paid, by the treasurer thereof, into the general fund of said county.

CHAP. XXXVII.—*An Act to legalize and confirm the Assessment Roll, the publication of the same, and to extend the time for the collection of Revenue in the County of Sonoma.*

[Approved February 23, 1858.]

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

Roll legalized. SECTION 1. The assessment roll, and the publication of the same, in and for the county of Sonoma, for the year one thousand eight hundred and fifty-seven, is hereby legalized and confirmed, and shall have the same force and effect as though it had been made as provided by law.

Time for collection. SEC. 2. The time for the collection of the revenue in the county of Sonoma for the year one thousand eight hundred and fifty-seven, is hereby extended to May the first, one thousand eight hundred and fifty-eight.

CHAP. XXXVIII.—*An Act concerning the Official Bonds of Public Administrator and Coroner in the County of Yolo.*

[Approved February 25, 1858.]

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

Bond of Administrator. SECTION 1. Before entering upon the duties of his office, the public administrator of the county of Yolo shall execute a bond, with sureties, to be approved by the county judge, in the sum of five thousand dollars, conditioned for the faithful performance of all the duties devolved upon him by law, and particularly, that he will account for, and pay over, all moneys and property that may come into his hands as such public administrator.

Coroner's bond. SEC. 2. Before entering upon the duties of his office, the coroner of the county of Yolo shall execute a bond, with sureties, to be approved by the county judge, in the sum of two thousand dollars, conditioned for the faithful performance of all the duties devolved upon him by law.

CHAP. XXXIX.—*An Act concerning the office of County Clerk of Placer County.*

[Approved February 25, 1858.]

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

SECTION 1. The county clerk of Placer county, from and after the second day of June, in the year one thousand eight hundred and fifty-nine, shall be *ex officio* clerk of the district court, clerk of the court of sessions, and of the probate court of said county, and perform such other duties as may be assigned him by law, and shall, on and after the said date, receive, for all services required of him by law in his said office and *ex officio* offices, a salary at the rate of three thousand five hundred dollars per annum, which salary shall be in full for all services required of him as aforesaid, and the money for the payment of the same shall be collected and retained by said clerk, in the manner hereinafter provided. Duties of county clerk
Salary.

SEC. 2. The county clerk of said county shall have power, when the business of his office and his said *ex officio* offices shall make it necessary, to employ a competent deputy, who shall, upon his account being allowed by legal authority, be paid for such time as his services were necessary, at the rate of one thousand and five hundred dollars per annum; which sums thus allowed shall be in full for all services required of or rendered by him during his times of service as such deputy; *Provided*, that in no case shall any board, court, person, or other authority, have power to allow or direct the payment of the above sum, or any portion of it, to said deputy, unless there shall have been paid over to the county treasurer by the county clerk a sum, or sums, equal to or greater than the sum claimed to be due for services rendered by the said deputy clerk. To employ deputy.
Salary.

SEC. 3. The county clerk of said county shall, on and after the second day of June, A. D. one thousand eight hundred and fifty-nine, collect and safely keep all fees, per centage, and compensation, of whatever nature or kind, allowed him by law for services rendered by him or his deputy, in his or their said several official capacities; and upon the first Monday in each and every month, after the said month of June, shall pay the same over to the county treasurer of said county, less his salary for the next preceding month; *Provided*, it shall not be required of said clerk, or any deputy under him, to collect any fees, per centage, or compensation, for services rendered in his said several official positions after the said second day of June, in any suit, matter, or proceeding, wherein the county of Placer may be chargeable for the same. Clerk to pay over fees.

SEC. 4. The county clerk of Placer county shall, at the times herein provided for paying over to the said county treasurer, make out and file with the said treasurer, a full and accurate statement, under oath, of all fees, per centage, or compensation, of whatever nature or kind, received in his said several official capacities for the preceding month, in which statement he shall set forth the causes in which, or the services for which, it was received, and the party or sources from which derived; and shall Statement under oath.

charge himself therein for the amounts retained by him by virtue of the provisions of this act—stating upon what account. And it shall be the duty of said county clerk to keep, in addition to the docket now required by law in each of said courts, a book in which shall be entered, by items, every kind or description of services performed by him or his deputy, not entered in said dockets; for whom and for what services performed; the time of rendering said service, and the amount allowed by law for each particular service; which book or books shall be open to the inspection, during office hours, of every tax-paying citizen of the said county, or other person interested.

Penalty for neglect.

SEC. 5. For a willful neglect, or for a refusal to comply with the provisions of this act, or of any one or more of them, the county clerk of said county shall be subject to a fine not exceeding five thousand dollars, to forfeit his office, to imprisonment in the state prison not less than one nor more than three years; or to any one or more of said penalties, in the discretion of the court; *Provided*, that nothing in this section shall be held to release him from the giving of any bonds required by law, or from any civil responsibility to any and all persons in relation to the business of his said offices that may be, by general laws, applicable to his said several official duties.

Receipt.

SEC. 6. It shall be the duty of the county treasurer to receive, receipt for, and safely keep, all moneys paid over to him, under the provisions of this act, and to pay, on the warrant of the county auditor, out of said moneys, such sums as may be allowed the deputy clerk by the board of supervisors; and he shall, quarterly, transfer all moneys, remaining after the said payment, over to the redemption fund.

SEC. 7. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed, so far as they relate to the office of county clerk and the said *ex officio* offices in the county of Placer.

CHAP. XL.—*An Act amendatory of an Act entitled "An Act to authorize the Board of Supervisors of Nevada County to levy a Special Tax for county purposes," approved April twenty-second, one thousand eight hundred and fifty-seven.*

[Approved February 27, 1858.]

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

SECTION 1. The first section of an act entitled "an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes," approved April the twenty-second, one thousand eight hundred and fifty-seven, is hereby amended so as to read as follows:

The board of supervisors in and for the county of Nevada is hereby authorized to levy annually, in addition to the taxes authorized by existing laws to be levied for county purposes, a special tax, as follows: A sum not exceeding two dollars on each male inhabitant of the county not by law exempt from poll-tax, and a sum not to exceed fifty cents on the one hundred dollars

Special tax.

on all taxable property in said county; and such poll and property taxes may be assessed and collected as are other poll and property taxes for state and county uses, and all the provisions of the laws now in force, or which may hereafter be enacted, regulating the duties of officers in assessing and collecting the poll and property taxes, shall be applicable to the assessment and collection of the taxes authorized by this act. All moneys collected under the provisions of this act shall be paid into the county treasury, and it shall be the duty of the county treasurer to set apart the same as a fund to defray the current expenses of the county other than the salaries and fees of county officers, and shall be disbursed by him on orders drawn upon said fund by the board of supervisors; any surplus remaining shall be paid into the general fund for the payment of the existing county debt.

Moneys paid
into county
treasury.

CHAP. XLI.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.*

[Approved February 27, 1858.]

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

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

Section one—An *ad valorem* tax of sixty cents upon each one hundred dollars value of taxable property is hereby levied, and directed to be collected and paid for state purposes upon the assessed value of all property in this state, not by this act exempt from taxation, thirty cents of which shall be paid into the state treasury, and placed to the credit of the interest and redemption fund, under the provisions of an act entitled an act to provide for paying certain equitable claims against the state of California, and to contract a funded debt for that purpose, approved April twenty-eighth, one thousand eight hundred and fifty-seven, as provided in said act, and the remaining thirty cents shall be placed to the credit of the general fund; and upon the same property the board of supervisors of each county is hereby authorized and empowered annually to levy and collect a tax for county expenditures not exceeding fifty cents on each one hundred dollars; and upon the same property the board of supervisors of each county is also hereby authorized and empowered annually to levy and collect such additional and special taxes as the laws of this state may have authorized or required, or may hereafter authorize or require them to levy and collect; *Provided, however,* that whenever the board of supervisors levy any tax, they shall cause such levy to be entered on the records of their proceedings, and shall direct their clerk to give a certified copy thereof to the assessor, tax collector, auditor, and treasurer, each of whom shall file said copy in his office. All taxes levied under the provisions of this act shall be paid in the legal coin of the United States, or in foreign coin at the value fixed upon such coin by the laws of the United States; *Provided, further,* that county taxes, levied in

Ad valorem
tax.

Tax to be
collected.

How paid.

accordance with the provisions of special acts, may be collected in such funds as in such special acts may be provided.

CHAP. XLII.—*An Act to appropriate money for Advertising.*

[Approved February 27, 1858.]

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

Sums appro-
propriated for.

SECTION 1. That the following sums be and the same are hereby appropriated, out of any money in the general fund not otherwise appropriated, for the objects herein expressed: Daily Sun, for advertising, one thousand three hundred and three dollars and fifty cents; Daily Globe, for advertising, one thousand four hundred and sixty-eight dollars and fifty cents; San Francisco Herald, for advertising, one thousand four hundred and sixty-eight dollars and fifty cents; San Joaquin Republican, for advertising, one thousand one hundred and fifty dollars and fifty cents; Democratic State Journal, for advertising, one thousand two hundred and fifty-seven dollars and fifty cents.

CHAP. XLIII.—*To provide for the temporary government of the State Prison, and to appropriate money therefor.*

[Approved February 26, 1858.]

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

Governor
empowered.

SECTION 1. The Governor of this state is hereby authorized and empowered, and it shall be his duty, by and through such agent or agents as he may in his discretion appoint, to take immediate possession of the state prison and grounds, together with all the property of the state therein situated, and to assume the custody, control, and management of the state prison convicts therein confined, or to be therein confined; and thereafter to continue the possession of the property aforesaid, and control of said convicts, until further provided by law; and for this purpose the sum of ten thousand dollars is hereby appropriated, payable out of the general fund, in such amounts as the same may, from time to time, be required, upon the joint order of the Governor, Lieutenant Governor, and Secretary of State, drawn upon the Comptroller, who is hereby authorized to issue his warrants upon the Treasurer for the amount specified in said order.

To remove
property.

SEC. 2. John F. McCauley shall be permitted to remove any and all private property belonging in whole or in part to him, and not the property of the state, situated or being within the limits of the prison-grounds; and for the purpose of such removal, and none other, the agent or agents specified in section one of this act, shall allow said McCauley the labor of any number of convicts, not exceeding fifty, provided that no convict, while so

Convict
labor.

employed, shall be allowed or permitted to perform any such service beyond the limits of the state prison grounds, unless otherwise ordered under and in pursuance of the express orders of the Governor; *And, provided further*, that such labor shall be performed under the supervision and direction of said agent or agents. Proviso.

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

CHAP. XLIV.—*An Act making appropriation for the salary of Draughtsman in the Surveyor General's Office, from the first day of January, A. D. one thousand eight hundred and fifty-eight, to the thirtieth day of June, A. D. one thousand eight hundred and fifty-eight, inclusive.*

[Approved March 1, 1858.]

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

SECTION 1. That the sum of twelve hundred dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the salary of draughtsman in the office of Surveyor General, from the first day of January, A. D. one thousand eight hundred and fifty-eight, to the thirtieth day of June, A. D. one thousand eight hundred and fifty-eight, inclusive. Sum appropriated.

SEC. 2. The Controller is hereby authorized and directed to draw his warrants upon the Treasurer, payable out of the general fund, for the sum of twelve hundred dollars, for the payment of draughtsman, monthly, in the sum of two hundred dollars. General fund

CHAP. XLV.—*An Act to audit the Claim of William Ford.*

[Became a Law by operation of the Constitution, March 3, 1858.]

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

SECTION 1. The claim of William Ford, for the transportation of prisoners from the county seat of Sierra county to the state prison, in the month of October, one thousand eight hundred and fifty-five, for the sum of five hundred and thirty dollars, is hereby audited and allowed. Transportation of prisoners.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this third day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. XLVI.—*An Act to authorize James G. Denniston to construct a Wharf at Half Moon Bay, in San Mateo County.*

[Became a Law by operation of the Constitution, March 3, 1858.]

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

Wharf at
Half Moon
Bay.

SECTION 1. James G. Denniston is hereby authorized and empowered to build, use, and construct a wharf at Half Moon Bay, in the county of San Mateo, for the term of twenty-five years, commencing at a point where the overflowed lands connect with the main lands, and running into the bay formed by the Pacific ocean, one thousand feet, more or less; *Provided*, said wharf shall not, in any manner, obstruct the navigation of said bay or ocean; *Provided, further*, that said wharf shall be completed in one year from the passage of this act.

Overflowed
lands.

SEC. 2. The state of California hereby grants to the said James G. Denniston the use of the overflowed lands on both sides of said wharf, for the distance of one hundred and fifty feet from each side of it, to be used for the purpose of a free ingress and egress of water craft to and from said wharf, for twenty-five years from the passage of this act.

Toll.

SEC. 3. The said James G. Denniston, or his assignees, may, when said wharf shall be fully completed, collect such rates of toll and wharfage on the same as may be rated, from time to time, by the board of supervisors of San Mateo county.

Private
rights.

SEC. 4. Nothing in this act shall be so construed as to interfere, in any manner whatever, with public or private rights heretofore obtained.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this third day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. XLVII.—*An Act relative to the Board of Supervisors of Yolo County.*

[Approved March 3, 1858.]

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

Compensa-
tion.

SECTION 1. That each member of the board of supervisors of Yolo county shall receive, as compensation for his services, six dollars for every day the business of the county may require his attendance; *Provided*, that the compensation shall not exceed three hundred dollars per annum to each supervisor.

CHAP. XLVIII.—*An Act to authorize Peter Davidson to convey certain Real Estate.*

[Approved March 3, 1858.]

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

SECTION 1. *Whereas, Peter Davidson, of Santa Clara county, did, by deed executed and delivered, on the tenth day of March, A. D. one thousand eight hundred and fifty-one, in consideration of natural love and affection, sell and convey unto Maria Josefa Castro, his wife, and to his son, Peter A. Davidson, then and yet an infant, and to such other children as the said Maria Josefa Castro might thereafter have, a certain parcel of land lying in the city of San José, in Santa Clara county, and known on the map of said city as the corner of Market and Santa Clara streets, being west of Market street and fronting on the same forty and one-half varas, and being north of Santa Clara street, and fronting the same thirty-nine and one-half varas; and also that certain other parcel of land upon which the dwelling-house of said Peter Davidson then stood and yet stands, fronting on San Pedro street in said city, (being fifty varas front on said street,) and running back to the Ascequia; and whereas, said Peter Davidson has, since the making of said deed, placed upon said first mentioned tract of land, permanent and costly improvements, consisting of fire-proof brick store-rooms, at his own proper cost and expense, amounting to about seventeen thousand dollars; and whereas, said Davidson is now desirous of disposing of said property and invest [ing] the proceeds thereof in other property, for the benefit of his said wife and his children, who are infants, and whose names are Peter A. Davidson and John Albert Davidson, and is desirous of removing to the county of Contra Costa with his family; it is hereby enacted and declared, that the said Peter Davidson be, and he is hereby, authorized and empowered, upon obtaining from the probate court of Santa Clara county letters of guardianship upon the estate of his said infant children, above-named, and upon the execution of a bond in double the value of the property, with good and sufficient sureties, who shall be required to justify in the amount for which they respectively become liable, to sell at public or private sale, as he may deem best, the whole or any part of said property above-named, at and for such price as he can obtain therefor; and that, upon the making of such sale, [and] confirmation thereof by the probate court as in other cases, the said Peter Davidson be, and he is hereby, empowered and authorized, in conjunction with his said wife, Maria Josefa Castro, to make, and execute, and deliver to the purchaser or purchasers of said real estate, or any part thereof, good and sufficient deeds in law, which shall be valid and effectual to convey to the purchaser or purchasers thereof all the right, title, and estate, at law and in equity, of the said Peter Davidson, and of his said wife, Maria Josefa Castro, and of their said infant children, John Albert Davidson and Peter A. Davidson, respectively.*

To execute deeds in law.

CHAP. XLIX.—*An Act to extend the Provisions of an Act entitled an Act to organize the County of Buena Vista, approved April thirtieth, one thousand eight hundred and fifty-five.*

[Approved March 3, 1858.]

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

Extended
to 1859.

SECTION 1. The provisions of an act entitled "an act to organize the county of Buena Vista," approved April thirtieth, A. D. one thousand eight hundred and fifty-five, are hereby extended to and shall apply to the year A. D. one thousand eight hundred and fifty-nine.

SEC. 2. The act entitled "an act to amend an act entitled an act to organize the county of Buena Vista," approved April sixteenth A. D. one thousand eight hundred and fifty-six, is hereby repealed.

CHAP. L.—*An Act to amend an Act entitled an Act to create the County of Del Norte, to define its Boundaries and provide for its Organization, approved March second, one thousand eight hundred and fifty-seven.*

[Approved March 3, 1858.]

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

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

Transfer of
books.

Section fifteen—It shall be the duty of the clerk of Klamath county to furnish and deliver to the clerk of Del Norte county suitable books of records, containing certified copies of all conveyances and other writings concerning lands and real estate situated in Del Norte county. Also, books of records, containing certified copies of the records of all deeds, mortgages, claims, powers of attorney, and mechanics' liens, when the subject matter of said deeds, mortgages, claims, powers of attorney, and mechanics' liens, are situated in Del Norte county, on or before the first day of August, A. D. one thousand eight hundred and fifty-eight; and the clerk of Klamath county shall charge and receive from the county of Del Norte for said records, containing certified copies, as hereinbefore mentioned, the same fees as are allowed the clerk and recorder of said county of Klamath for the copying of records and issuing of certificates. He shall also be entitled to charge the county of Del Norte his necessary expenses incurred in the purchase of suitable books, and the transmission of the same to the county seat of Del Norte county; and it shall be the duty of the board of supervisors of Del Norte county, at their regular meeting, to be held in the month of August, A. D. one thousand eight hundred and fifty-eight, to audit and allow the account of the clerk of Klamath county for such services so rendered; and if, from any cause, the board of supervisors of Del Norte county should fail to meet at their regular meeting in August, A. D. one thousand eight hundred and fifty-

Expenses.

To audit
accounts.

eight, then it shall be their duty, at their first meeting thereafter, whether the said meeting be regular or special, to allow said account; and the auditor of Del Norte county shall draw his warrant for the amount so allowed, on the treasurer of Del Norte county, in favor of the clerk of Klamath county.

SEC. 2. Section seventeen of said act is amended so as to read as follows:

Section seventeen—There shall be, and there are hereby appointed, three commissioners, viz.: William M. Buel, of Klamath county; John Baxter, of Del Norte county; and Michael Spencer, of Humboldt county; whose duty it shall be to determine the amount of indebtedness of Klamath county justly chargeable to Del Norte county at the time of the organization of Del Norte county. The said commissioners shall meet at Orleans Bar, the county seat of Klamath county, on the first Monday in June, A. D. one thousand eight hundred and fifty-eight, or as soon thereafter as practicable, and enter upon the discharge of the duties hereinbefore mentioned; they shall first proceed to ascertain the whole amount of the indebtedness of Klamath county prior to the organization of Del Norte county; and when the amount of the indebtedness of Klamath county is so ascertained, they shall determine the amount of such indebtedness to be paid by Del Norte county, taking as a basis the sources of revenue of the two counties from the first day of June, A. D. one thousand eight hundred and fifty-seven, to the first day of January, A. D. one thousand eight hundred and fifty-eight, as shown by the assessment roll, licenses issued, and all other sources of revenue whatever. And a statement of the amount so agreed upon as a just proportion of the indebtedness of Klamath county to be paid by Del Norte county, as soon as ascertained, shall be forwarded to the board of supervisors of each county, and to the auditor of Del Norte county. So soon as the auditor of Del Norte county shall have received such statement, properly certified to by a majority of said board of commissioners, he shall draw a warrant, bearing interest at the rate of ten per cent. per annum, on the treasurer of Del Norte county, in favor of the treasurer of Klamath county, for the amount so apportioned, payable as provided in sections nineteen and twenty of the said act.

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

Section eighteen—A majority of said board of commissioners shall constitute a quorum for the transaction of business; and should a vacancy occur in the board of commissioners, the board of supervisors of the county wherein such vacancy shall have occurred may fill such vacancy by appointment; but, should the vacancy not be filled, or should any commissioner duly authorized fail to appear on the day by this act appointed for their meeting, the two commissioners present may transact the business of the commission with the like effect as if all were present; the per diem compensation of said commissioners shall be fixed and paid by the respective counties to which they belong; *Provided*, that the commissioner from Humboldt county shall receive for his services the sum of ten dollars per diem, while actually engaged as one of the said board of commissioners, and one hundred dollars mileage, to be paid equally by said counties of Klamath and Del Norte.

CHAP. LI.—*An Act authorizing the State Treasurer to endorse certain Warrants.*

[Approved March 3, 1858.]

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

Duty of
Treasurer of
State.

SECTION I. The Treasurer of State is hereby authorized and required to endorse any Controller's warrants which any former State Treasurer may have neglected or omitted to endorse, and which may now be an equitable indebtedness against the state, under the funding act, approved April twenty-eighth, one thousand eight hundred and fifty-seven, but not a legal indebtedness in consequence of said endorsement not having been made.

CHAP. LII.—*An Act supplementary to and explanatory of "An Act to appropriate money for Advertising," approved February twenty-seventh, one thousand eight hundred and fifty-eight.*

[Approved March 3, 1858.]

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

Advertise-
ments.

SECTION I. The several sums appropriated by "an act to appropriate money for advertising," approved February twenty-seventh, one thousand eight hundred and fifty-eight, is hereby declared to be for the printing, during the year one thousand eight hundred and fifty-seven, of advertisements for the state board of land commissioners, and advertising the sales under the authority of said board ; and the Controller of State is hereby directed to draw his warrants upon the Treasurer of State, who is hereby directed to pay the same for the several amounts appropriated by the said act ; and, in the performance of his said duty, he is hereby exempted from the provisions of "an act for the better protection of the treasury," approved April sixteenth, one thousand eight hundred and fifty-six, which was amended April twenty-seventh, one thousand eight hundred and fifty-seven.

CHAP. LIII.—*An Act to extend the time of collecting Taxes in the County of San Bernardino.*

[Approved March 3, 1858.]

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

Extension
of time.

SECTION I. The time of collecting delinquent taxes in the county of San Bernardino is hereby extended to the first day of June, A. D. one thousand eight hundred and fifty-eight.

CHAP. LIV.—*An Act to authorize the Executor and Administrator of the estate of John Ellüg, deceased, to sell Real Estate of said deceased at public or private sale.*

[Approved March 3, 1858.]

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

SECTION 1. That Benjamin W. Mudge, appointed executor of the last will and testament of John Ellüg, deceased, late of the county of San Francisco, which said last will and testament was admitted to probate in said county, on the twenty-second day of December, A. D. one thousand eight hundred and fifty-six, and Jules Foa, appointed administrator with the will annexed, on the twenty-second day of July, A. D. one thousand eight hundred and fifty-seven, be, and they are hereby, authorized to sell the real estate of said deceased, or any parts or portions thereof, wherever situated in the state of California, or any right, title, or interest, belonging to deceased in his lifetime, except the fifty-vara lot situated on the corner of Broadway and Dupont streets, in the city of San Francisco, on such terms and in such manner, at public or private sale, as may be most advantageous to said estate. To sell real estate.

SEC. 2. That, in case of any sales under the authority of this act, the executor and administrator, as above provided, may execute to the vendee or vendees of the real estate so sold all necessary and sufficient conveyances therefor. May execute conveyances.

SEC. 3. That, in case of any sale as herein provided, the probate judge shall require the said executor and administrator to file bonds, with additional security, for the faithful discharge of the duties of said executor and administrator under this act. The sureties on the bond, by this section required to be taken, shall justify in the amount for which they shall become liable, in the same manner as sureties are now required by law to justify in other cases of sale under order of the probate court. Required to file bonds.

SEC. 4. The said executor and administrator shall make a full report of the sale or sales of said real estate to the probate court of the county of San Francisco, within a reasonable time thereafter, who shall confirm or reject said sale or sales, as in other cases of sales of real estate by executors or administrators; and the executor and administrator shall make no conveyance of real estate sold under this act, nor shall such sale become valid unless the sale be first confirmed and approved by the said probate judge. To report. Approval.

CHAP. LV.—*An Act to amend an Act entitled an Act to regulate Fees of Office, approved April tenth, one thousand eight hundred and fifty-five.*

[Became a Law by operation of the Constitution, March 5, 1858.]

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

SECTION 1. Section twenty-three of the act entitled an act to

regulate fees of office, passed April tenth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows:

Application
of act.

Section twenty-three—In the counties of San Diego, San Bernardino, Tulare, Stanislaus, Yolo, Solano, Marin, Mendocino, Butte, San Joaquin, and Alameda, the fees of office shall be as prescribed in this act from section twenty-three to section forty, inclusive, for the officers named in such parts of this act; and all provisions contained in such parts of this act shall apply to said officers in these counties.

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

Act repealed.

An act entitled an act to regulate fees in office, passed May first, one thousand eight hundred and fifty-one, and an act to regulate fees in office, passed April twenty-second, one thousand eight hundred and fifty, and an act to regulate fees in office in certain counties of this state, passed April twenty-eighth, one thousand eight hundred and fifty-seven, so far as the same relates to the counties of San Joaquin and Alameda, are hereby repealed.

County clerk

SEC. 3. The fees of the county clerk of San Mateo county shall be the same as are allowed in sections twenty-four, twenty-five, twenty-six, and twenty-seven, of the act to which this is an amendment.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this fifth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. LVI.—*An Act concerning Lawful Fences in the County of Contra Costa.*

[Became a Law by operation of the Constitution, March 5, 1858.]

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

Lawful
fences.

SECTION 1. A fence constructed with posts of reasonable size and strength, firmly set in the ground, not more than twelve feet apart if a rail or picket fence, and not more than eight feet if a plank fence, the rails or plank of reasonable size and strength, securely fastened to the posts to the height of four and a half feet, and reasonably close; if a picket fence, the pickets of ordinary size and strength, strongly nailed to a rail above and one below, or driven into the ground and nailed to a rail above, reasonably close, and four and a half feet high; if a ditch fence, the ditch to be three and a half feet wide at the top and three feet deep, the embankment to be on the inside of the inclosure, with a rail, plank, or picket fence on the embankment, to the height of three feet; or any other kind of fence equivalent in height, quality, and strength to the above kinds of fences, are hereby declared lawful fences in said county.

SEC. 2. Any horses, mules, jacks, jennies, cattle, sheep, goats, or hogs, breaking down, through, or over a fence lawful by this act, the owner of such animal or animals shall be liable for the damages done, and shall pay double damages for any subsequent trespass by such animal or animals. Double damages.

SEC. 3. An act concerning lawful fences in the county of Contra Costa, approved March fourth, one thousand eight hundred and fifty-seven, is hereby repealed. Act repealed

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law, this fifth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. LVII.—*An Act to authorize J. R. Munson to remove the remains of Deceased Persons.*

[Approved March 5, 1858.]

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

SECTION 1. It is hereby made lawful for J. R. Munson to disinter and remove the remains of all deceased persons, together with all monuments, etc., from the old cemetery in the town of Cold Spring, in the county of El Dorado, and inter the same in the new cemetery near the said town of Cold Spring. Removal of deceased persons.

CHAP. LVIII.—*An Act to fix the times of holding the County Court, Probate Court, and Court of Sessions, of Sierra County.*

[Approved March 6, 1858.]

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

SECTION 1. The courts authorized to be held by the county judge of Sierra county shall be hereafter held all at the same time, viz. : on the first Mondays of May, August, October, and December. Courts to be held.

SEC. 2. At said terms, the business pertaining to the court of sessions shall be first in order; and if no business of the court of sessions be ready, the judge shall adjourn the court of sessions and open the county court; and if no business of the county court be ready, he shall adjourn the county court and open the probate court.

SEC. 3. The trial jury summoned for the court of sessions in said county shall be the trial jury for the county court therein. Trial jury.

SEC. 4. The records of each of said courts shall be kept separately, as required by law. Records.

SEC. 5. The county judge of said county may call and hold

Special terms.

special terms of the court of sessions and probate court whenever the public interest may require it.

Grand jury.

SEC. 6. On the first Monday of April, and on the first Monday of September, in each year; or if, during the vacation between any of the terms of the courts in this act authorized to be held, a cause or causes arise of such paramount public necessity as shall satisfy the county judge that a grand jury should be summoned for the next succeeding term, or for a special term of the court of sessions, he shall, in writing, order the sheriff of the county to summons such grand jury. The county judge shall file the said order with the county clerk, who shall forthwith make and certify a copy thereof and deliver the same to the sheriff. And the said grand jury shall be drawn, summoned, tried, and empaneled in the manner prescribed in the act entitled "an act concerning jurors," passed May 3d, 1852.

Trial jury.

SEC. 7. On the first Monday of the month next preceding the term of the courts in this act authorized to be held, the county judge shall, in writing, order the sheriff of the county to summons a trial jury of twenty-four good and lawful citizens to serve as trial jurors for the next term of said courts, which order he shall file with the county clerk, who shall forthwith make and certify a copy thereof and deliver the same to the sheriff, and the said trial jury shall be drawn and summoned in the manner provided in "an act concerning jurors," passed May third, one thousand eight hundred and fifty-two.

Informality.

Proviso.

Jurors.

SEC. 8. No presentment, indictment, or other act of any grand jury, or verdict of a trial jury, when the said grand jury or trial jury was not drawn and summoned before the term of the court at which the said presentment or indictment was presented, or the said verdict was rendered, shall be of any force or effect whatever, and the same shall be absolutely void; *Provided*, that if a grand or trial jury has been drawn and summoned before the term, and if from any cause a sufficient number do not attend, or if attending and found incompetent, or are challenged and the challenge is allowed, or are excused by the court, so that the court deems it necessary to summons an additional number of grand or trial jurors, then, and not otherwise, the court may, by an order entered on its minutes, stating the cause thereof, order the sheriff of the county to summons, either immediately, or for a day fixed by the court, from the citizens of the county, and not from the bystanders, a sufficient number of persons to make or complete a grand or trial jury; *Provided*, however, that the said sheriff, under the order of court, entered on the minutes aforesaid, shall not summon, to make or complete said grand or trial jury, any plaintiff or defendant in any civil suit, or any defendant in any criminal case, or any witness in any case depending before any of the said courts at the said term that the said order is made.

Penalty for neglect.

SEC. 9. If any county judge shall willfully or corruptly neglect to make the orders in this act required for summoning a grand or trial jury, or to deliver the same to the county clerk before the said term or terms, as in this act is directed, he shall be liable, on conviction before any court of competent jurisdiction, to pay a fine of five hundred dollars, and to be removed from his office.

SEC. 10. All laws and parts of laws contrary to the provisions of this act are hereby repealed, so far as they relate to the county of Sierra.

SEC. 11. This act shall take effect from and after its passage.

CHAP. LIX.—*An Act to provide for funding of the Debt of the City of Placerville and for the payment thereof.*

[Approved March 6, 1853.]

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

SECTION 1. The city of Placerville is hereby authorized to fund its floating debt; and to that end, the mayor and the treasurer and the clerk of said city, and their successors in office, shall constitute a board of commissioners, to be styled "The Funding Commissioners of the City of Placerville," and shall have and exercise the powers and perform the duties hereinafter provided.

SEC. 2. The holders of all legally created city indebtedness due at the time of the passage of this act, and of all legal indebtedness which shall become due on or before the fifth day of May, A. D. one thousand eight hundred and fifty-eight, shall be entitled to the privilege of funding the same by virtue of this act. The funding powers of said commissioners shall cease six months from and after the passage of this act, and no debt against the city shall be funded after that period.

SEC. 3. Said board of commissioners shall, as soon as practicable after the passage of this act, procure certain blank bonds, or certificates of indebtedness, with coupons for interest attached to each. Said bonds shall be in the several sums of fifty, one hundred, and two hundred and fifty dollars, and shall be in the form prescribed by said commissioners, and shall purport in substance as follows: The city of Placerville is indebted to the holder thereof, the sum therein named, payable to the holder or bearer thereof, on the first day of June A. D. one thousand eight hundred and sixty-three, bearing interest at the rate of ten per cent. per annum; said interest to be payably semi-annually, on the first day of January and the first day of July in each year, upon coupons annexed to said bonds. The principal and interest of said bonds shall be made payable at the office of the city treasurer in the city of Placerville.

SEC. 4. The principal of said bonds shall be payable in the city of Placerville, on the first day of June, A. D. one thousand eight hundred and sixty-three, and the interest semi-annually, on the first day of January and July, as stated in the foregoing section. Said bonds and coupons shall be signed by each of said commissioners, and shall be issued by them at one hundred cents on the dollar for an equal amount of city indebtedness surrendered; the vouchers of which indebtedness shall at the time of their surrender be marked canceled, and shall then be delivered to the common council of said city, who shall cause the same to be destroyed.

SEC. 5. The said commissioners, previous to the time when

City tax.

the common council shall fix the amount of city tax in each year, shall certify and deliver to the common council a statement of the amount which will be due and payable for interest upon said bonds during the current year, and the common council shall then cause to be levied a tax, in addition to other taxes, sufficient to meet the said interest; *Provided*, that said tax shall not exceed one-fourth of one per cent. upon the assessed value of property in said city. Said tax shall be collected at the same time and in the same manner as other taxes upon property in said city. The fund arising from the collection of said tax shall be applied exclusively to the payment of the interest upon said bonds, until such interest shall be satisfied. If, at the end of any current year, there shall remain a surplus of money arising from said tax over and above the amount necessary to pay the interest for such year, then such surplus shall be paid into the sinking fund for the payment of the principal of said bonds, provided for in section six of this act. If, however, the moneys collected by means of said tax shall at any time be insufficient to pay the interest then due, the common council shall order the residue to be paid to said commissioners out of the general fund of the city.

Proviso.

Surplus.

SEC. 6. The common council, at the time they shall, in each year, fix the amount of other city taxes, shall cause to be levied and collected, in the same manner as other taxes, such per cent. upon the taxable property of said city as shall realize, not to exceed, in any one year, twenty per cent. of the bonds then outstanding, and the sum arising from such tax shall be a sinking fund for the redemption of such bonds, and shall not be used or appropriated for any other purpose whatever; also, whenever there shall be in the general fund of said city a sum of money, which, in the opinion of the common council, will be more than sufficient to meet and discharge the expenses of said city for the current year, said common council may, in their discretion, transfer and pay over any such surplus to the sinking fund herein provided. Whenever there shall be in said sinking fund the sum of five hundred dollars, or more, the said board of commissioners shall be authorized to give notice that such sum will be used for the purchase of said bonds. Such notice shall be published for at least thirty days in some newspaper of general circulation in said county, and shall state the amount of money to be used for such purpose, and that the same will be used for the redemption of the greatest amount of bonds which may be offered therefor, and invite sealed proposals, stating also the time and place when and where said proposals will be opened. When the bids are opened, said board of commissioners shall accept such bid as will secure the cancellation of the greatest amount of bonds; *Provided*, that no bid shall be accepted for the surrender of bonds at more than their par value.

Surrender of bonds.

Notice.

Proviso.

Books to be kept.

SEC. 7. The said commissioners shall receive into their custody all moneys which shall be collected for, or paid into, either the interest or sinking funds provided for by this act, and disburse the same for the purposes provided for in this act; they shall keep regular books of account and minutes of their proceedings, which shall, at all times, be open to the inspection of the common council; they shall, within ten days after the fifth

day of May, A. D. one thousand eight hundred and fifty-eight, make out and deliver to the common council a full statement of the amount of bonds issued by them, and of the amount and description of the city indebtedness received in exchange for such bonds; they shall, also, at the expiration of each fiscal year, make out and deliver to the common council a statement, verified by the oath of one or more of said commissioners, showing the total amounts of money received by them, from what source, and for what fund; also, the amount of money paid out by them, and for what purpose paid, also the amount of bonds outstanding and the amount redeemed during the current year; which statement the common council shall forthwith cause to be published in some newspaper published in said city.

SEC. 8. Each of said commissioners shall, before entering upon his duties, take and subscribe an oath to perform the duties of such commissioner well and faithfully, to the best of his knowledge and ability, and shall also give good and sufficient bonds, payable to the people of the city of Placerville, to be approved by the common council, and in such sum as said common council shall require, for the faithful performance of their duties. The duties hereby required to be performed by said commissioners shall be deemed a part of their official duties as mayor, treasurer, and clerk, respectively, and shall be performed without compensation; and nothing herein contained shall be so construed as to authorize either one of said commissioners to charge or receive any per centage or commission upon any moneys received or paid out in performance of the duties enjoined upon them by this act.

SEC. 9. From and after the passage of this act, no scrip, or other evidence of city indebtedness, shall be received in payment of licenses, taxes, fines, or city dues of any kind or description, but shall be paid only in lawful coin of the United States; and all payments and disbursements on the part of the city, shall be made in cash only.

SEC. 10. From and after the passage of this act, it shall be unlawful for the treasurer, or other officer of said city, to pay or discharge, out of the city funds or moneys, any scrip, coupons, or other evidence of city indebtedness then issued, except in the manner prescribed in this act; and from and after the passage hereof, it shall be unlawful for the clerk, or other officer of said city, to draw any warrant on the city treasury, unless there be cash actually therein to meet the warrant so drawn. Any violation of the provisions of this section shall be deemed a misdemeanor, and any person convicted of such violation, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the city prison not more than three months, or by both such fine and imprisonment.

SEC. 11. This act shall take effect from and after its passage.

CHAP. LX.—*An Act for the Relief of the San Francisco Gas Company.*

[Approved March 6, 1858.]

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

Accounts to
be audited
and paid.

SECTION 1. The board of supervisors of the city and county of San Francisco are hereby authorized and empowered to adjust, audit, allow, and cause to be paid, out of the general fund of said city and county, the amounts due the San Francisco Gas Company for gas furnished, and repairs of lamps, posts, and pipes, made for the city and county of San Francisco since the first day of July, one thousand eight hundred and fifty-six.

Monthly
bills.

SEC. 2. The board of supervisors of the city and county of San Francisco are hereby authorized to audit, allow, and pay, the bills of the San Francisco Gas Company, rendered after the passage of this act, at the end of each calendar month, in pursuance of the original contract made with James Donahue & Co. by the city of San Francisco.

Gas for pub-
lic buildings.

SEC. 3. In case the board of supervisors of the city and county of San Francisco shall order any gas for the city-hall, engine-houses, or any other public buildings, they are hereby authorized to audit and pay for the same out of the general fund of the city and county of San Francisco as herein provided.

General fund

SEC. 4. The payments authorized to be made by this act, when ordered by the board of supervisors, shall be made out of the general fund, and in addition to the payments specified in section eleven of an act entitled an act amendatory of and supplementary to an act to repeal the several charters of the city of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, said act approved April eighteenth, one thousand eight hundred and fifty-seven, and said section eleven being an amendment of section ninety-five of the said original act, approved April nineteenth, one thousand eight hundred and fifty-six.

SEC. 5. All acts and parts of acts inconsistent with this act shall be held in abeyance to this act from and after its passage.

CHAP. LXI.—*An Act amendatory of an Act entitled "An Act fixing the times of holding the terms of the County Courts, Court of Sessions, and Probate Courts, in and for Butte county."*

[Approved March 6, 1858.]

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

SECTION 1. Section second of the above entitled act, approved February fourteenth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows :

County court

Section second—The regular terms of the county courts shall be

held on the first Monday in March and June, and the second Monday in September, and on the fourth Monday in November of each year, and may continue from term to term, unless all the business be sooner disposed of.

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

Section third—The regular terms of the court of sessions shall be held on the second Monday in February, and on the third Monday in April, July, and October, of each year, and may continue from term to term, unless all the business be sooner disposed of.

SEC. 3. This act shall take effect upon its approval.

CHAP. LXII.—*An Act to authorize a Special Term of the District Court to be held in the County of Butte, and to fix the Time for holding such Special Term.*

[Approved March 6, 1858.]

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

SECTION 1. The district judge of any judicial district in this state is hereby authorized to hold a special term of the district court in and for Butte county, upon the request of the present judge of the fifteenth judicial district, and to try all causes which may properly come before said court, in which issue of law or fact had been joined prior to the first day of December, A. D. one thousand eight hundred and fifty-seven.

SEC. 2. Said term shall commence on the third Monday of March, A. D. one thousand eight hundred and fifty-eight, and may continue until all the causes above specified shall have been disposed of.

SEC. 3. It is hereby made the duty of the judge of the fifteenth judicial district to cause to be published, in a newspaper published in Butte county, ten days previous to the time fixed for holding said term, a notice of the holding of said special term.

CHAP. LXIII.—*An Act making an Appropriation for the Payment of A. J. F. Phelan, for Services rendered by him.*

[Approved March 6, 1858.]

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

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of A. J. F. Phelan, for the sum of one thousand and twenty dollars, in payment of services rendered by him as clerk of the board of war commissioners, for the eight months ending on the ninth day of February, A. D. one thousand eight hundred and

fifty-eight, and for books and stationery purchased by him for the use of said board.

Appropriat'n SEC. 2. The Treasurer of State is directed to pay said warrant out of any money in the treasury, not otherwise appropriated; and that amount of money is hereby set apart, out of any money now in the treasury, for the payment of said amount.

CHAP. LXIV.—*An Act to provide for the Construction of a Branch Wagon-Road in the County of El Dorado, and to authorize the Board of Supervisors of said County to levy a Special Tax for that purpose.*

[Passed March 8, 1858.]

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

Com'iss'ners. SECTION 1. John B. Jackson, J. W. Shanklin, and William Jabine, are hereby appointed and constituted commissioners, to be named and styled the "Board of Branch Road Commissioners;" and it shall be the duty of said commissioners to locate and construct, or cause to be located and constructed, a branch wagon-road, diverging at or near Slippery Ford, from the line of Day's survey, and running thence, by the most practicable route, to some point of intersection with the road leading in an easterly direction from the village of Georgetown, in the county of El Dorado.

Meetings. SEC. 2. On the second Monday in April, of the present year, said commissioners shall meet in Georgetown, where all subsequent meetings shall be held, and shall organize, by appointing one of their number president, and may thereafter hold such adjourned meetings as they shall deem necessary; *Provided*, that any one of said commissioners may call a meeting of said board at a time specified, whereof he shall give at least ten days' written notice, addressed through the post-office, to each of said commissioners.

Sureties. SEC. 3. Said commissioners shall each execute and enter into a written undertaking, with at least two sufficient sureties, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties prescribed in this act, and the sufficiency of said undertaking shall be determined by the board of supervisors of said county, and filed with the clerk thereof.

Quorum. SEC. 4. Any two of said commissioners shall constitute a quorum for the transaction of business, and may fill any vacancy in said board occasioned by death, resignation, or otherwise; *Provided*, that the person so appointed to fill such vacancy shall give the undertaking hereinbefore required.

James Burr, ex officio clerk SEC. 5. James Burr, justice of the peace in Georgetown township, and his successors in office, shall be *ex officio* clerk of said board; and it shall be his duty to keep, subject to inspection at all convenient times, a minute and correct account of all expenses incurred and disbursements made for the location and construction of said road; to file and preserve all contracts and undertakings which shall have been made, approved, and accepted by said

commissioners; and he shall audit and certify to the correctness of every item of expense and charge, whether of said commissioners or contractors, on account of said road, and shall countersign all warrants drawn by said commissioners on the "branch road fund."

SEC. 6. Said commissioners shall, as soon as practicable after their first meeting, engage some suitable person to survey the route, and prepare plans and specifications, including such details of distance, grade, and dimensions, as they may deem necessary to insert in advertisements for proposals to construct said road; and having settled and perfected said plans and specifications, they shall advertise for at least two weeks, in one or more newspapers of said county, for sealed proposals to construct said road; stating whether by sections or otherwise; the time within which any contract or contracts shall be fulfilled, making the performance of the work a condition precedent to payment out of the branch road fund hereinafter provided and set apart for that purpose, and appointing the time of their meeting to open and compare said proposals and award contracts. ^{Plans, etc.}

SEC. 7. On the day appointed in said advertisement, said commissioners shall meet and publicly open and compare said proposals, and award the contract or contracts to the lowest and most responsible bidder or bidders; *Provided*, that no proposal shall be received or considered as the basis of any contract, unless it be accompanied by a written undertaking, with two or more sufficient sureties in double the amount of said contract, and conditioned for the faithful performance thereof, the sufficiency whereof shall be determined solely by said commissioners; *And provided*, that said commissioners may reject any or all of said proposals, and proceed again to advertise as per provisions of this and the next preceding section; *And provided, also*, that said commissioners shall in no case be interested, either directly or indirectly, in any contract or contracts which they may award under the provisions of this act. ^{Contracts.}

SEC. 8. It shall be the duty of the board of supervisors of said county, taking the assessment rolls of the years one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine as the basis of their estimates, to levy such a special tax as shall produce, for each of said years respectively, exclusive of all expenses of collection and disbursement, and all per centages of public officers whatsoever, the net sum of five thousand dollars, amounting, for both of said years, to the aggregate sum of ten thousand dollars; and said special tax, so levied in each of said years, shall be collected at the same time and in the same manner as state and county taxes are required by law to be collected. ^{Special tax.}

SEC. 9. It shall be the duty of the tax collector to pay said special tax, at the same time and in the same manner as other taxes, into the treasury of said county. The treasurer shall keep the same separate and apart from all other moneys in said treasury, and designated as the "branch road fund;" and said treasurer shall pay out of said fund all warrants drawn thereon by the board of branch road commissioners; which said warrants shall be signed by at least two of said commissioners, and coun-

tersigned by the clerk of said board, and not otherwise; said warrants shall be endorsed by the person or persons presenting the same; and, upon payment thereof, shall be filed with the county auditor as the vouchers of said treasurer, who shall charge all amounts thus paid, in a separate account, to the branch road fund.

Compensat'n SEC. 10. Said board of branch road commissioners shall each, together with the clerk of said board, be entitled to five dollars for each day's service actually rendered; *Provided*, that the whole sum either shall receive as such commissioner or clerk shall not exceed two hundred dollars, or in that proportion, for the time served, should either resign before the final completion and acceptance of said road.

[This bill having been returned by the Governor with his objections thereto, and, after a reconsideration, having passed both houses by the constitutional majority, it has become a law, this the eighth day of March, A. D. one thousand eight hundred and fifty-eight.

JOSEPH WALKUP, President of the Senate.
N. E. WHITESIDES, Speaker of Assembly.]

CHAP. LXV.—*An Act amendatory of and supplementary to an Act approved April twenty-seventh, one thousand eight hundred and fifty-seven, entitled "an Act submitting to the people of El Dorado and Sacramento counties, a proposition to appropriate money for the construction of a Wagon-Road."*

[Passed March 8, 1858.]

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

Basis of tax. SECTION 1. The board of supervisors in making a levy for the wagon-road, shall take the assessment roll of their respective counties for each year; the same is made the basis of such levy, and the tax thus levied shall be collected by the tax collector of the proper county, in the same manner as the state and county taxes are required to be collected, and by him paid to the county treasurer of his county, whose duty it shall be to keep the same separate and apart from other funds and pay the same out upon the order of the board of supervisors of his county; and it shall be the duty of the respective boards of supervisors to audit and allow all claims, which in the aggregate do not exceed twenty-five thousand dollars, that the board of commissioners certify to be correct; and the county auditor shall then draw his warrants, bearing interest at the rate of ten per cent. per annum, on the county treasurer, payable out of the wagon-road fund, for the amount so audited and allowed; and said warrants shall, if the cash is not in the treasury to meet them, be registered in the order of their presentation, and paid in the order of their registry.

Claims.

SEC. 2. William B. Carr, of the county of Sacramento, and B. T. Hunt, of the county of El Dorado, and some third person

to be appointed by said Wm. B. Carr and B. T. Hunt, arc hereby ^{Com'ssioners} created commissioners, to carry into effect the construction of a wagon-road under the provisions of this act, and sections one and two of an act approved April twenty-seventh, one thousand eight hundred and fifty-seven, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon-road; and said commissioners and their successors shall be known as the Board of Wagon-Road Commissioners of El Dorado and Sacramento Counties. The members of said board shall enter into bonds in the sum of ten thousand dollars each, with two or more sureties. Said bonds to be approved by the board of supervisors of their respective counties; each commissioner shall receive a compensation of one thousand dollars, to be paid as directed by the respective boards of supervisors.

SEC. 3. The aforesaid W. B. Carr and B. T. Hunt, arc hereby ^{Election to complete the board.} directed and required to meet in the city of Sacramento within ten days from the passage of this act, and then complete the board of commissioners by appointing a third commissioner, as is provided for by section two of this act; and should said W. B. Carr and B. T. Hunt fail to agree upon a third commissioner, it shall be the duty of the joint boards of supervisors of Sacramento and El Dorado counties, to meet, within five days thereafter, and elect a third commissioner; *Provided*, that in case of a vacancy, said board shall also have power to fill the same. When said board shall be organized, it shall be vested with full power to meet on their own adjournment, and transact such business, according to such rules as they may prescribe; a majority of said board shall constitute a quorum for the transaction of business. The board of commissioners shall, as soon as practicable, ^{Contracts.} give out by contract, or contracts, to the lowest responsible bidder or bidders, the construction of the entire, or any portion, of the road provided to be constructed by the first and second sections of the act of which this act is amendatory and supplementary; *Provided*, that said road shall be constructed, as near as practicable, on the line of Day's survey; *And provided*, that said board shall first contract for the most difficult part of said road, on the most difficult part of said route, between Carson Valley and the south bank of the South Fork of the American river, at or near Brockliss' Bridge; *Provided*, further, that no contract or contracts shall be entered into until advertisements for bids therefor shall ^{Proposals.} have been published in at least one newspaper in the city of Sacramento, and at least one newspaper in El Dorado county; which advertisements shall state the place where, the time when, and the terms on which proposals will be received and contracts entered into. All proposals shall be in writing, accompanied by an undertaking on the part of bidder or bidders, with two or more sufficient sureties, for the faithful execution of the work on said road, as bid for by him or them.

SEC. 4. The commissioners, or either of them, acting under or by virtue of this act, shall not, either directly or indirectly, be in any manner interested in any contract or undertaking, either for supplies, materials, or otherwise, in the construction or improvement of this road. Any violation of this section shall be deemed a misdemeanor, and upon conviction thereof, before ^{Contract not to be given to con'sioners.}

any competent tribunal, said commissioners, or either of them, shall be fined in any sum not less than one thousand dollars.

SEC. 5. Sections three, four, and five of the act to which this act is amendatory and supplementary, are hereby repealed; and all powers and authority vested by or under that act, in any commissioner or commissioners, is hereby withdrawn and declared null and void.

[This bill having been returned by the Governor with his objections thereto, and, after a reconsideration, having passed both Houses by the constitutional majority, it has become a law, this the eighth day of March, A. D. one thousand eight hundred and fifty-eight.]

JOSEPH WALKUP, President of Senate,
N. E. WHITESIDES, Speaker of Assembly.]

CHAP. LXVI.—*An Act concerning the City of San Francisco, and to ratify and confirm certain Ordinances of the Common Council of said City.*

[Approved March 11, 1858.]

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

Ordinances
ratified.

SECTION 1. *Whereas*, The common council of the city of San Francisco passed an ordinance, approved by the mayor on the twentieth day of June, A. D. one thousand eight hundred and fifty-five, which ordinance is in the words and figures following, to wit:

Ordinance
No. 522.

Number eight hundred and twenty-two—Ordinance for the settlement and quieting of the land titles in the city of San Francisco.

The People of the City of San Francisco do ordain as follows:

§ 1. It shall be the duty of the mayor to enter, at the proper land office of the United States, at the minimum price, all the lands above the natural high-water mark of the Bay of San Francisco, at the time of the admission of California into the Union as a state, situated within the corporate limits of the city of San Francisco, as defined in the act to incorporate said city, passed April fifteenth, one thousand eight hundred and fifty-one, in trust for the several use, benefit, and behoof, of the occupants or possessors thereof, according to their respective interests.

§ 2. The city of San Francisco hereby relinquishes and grants all the right and claim of the city to the lands within the corporate limits, to the parties in the actual possession thereof, by themselves or tenants, on or before the first day of January, A. D. one thousand eight hundred and fifty-five, and to their heirs and assigns forever; excepting the property known as the slip property, and bounded on the north by Clay street, on the west by Davis street, on the south by Sacramento street, and on the east by the water-lot front. And excepting, also, any piece or parcel of land situated south, east, or north of the water-lot front of the city of San Francisco, as established by an act of the

Legislature of March twenty-sixth, A. D. one thousand eight hundred and fifty-one; *Provided*, such possession has been continued up to the time of the introduction of this ordinance in the common council; or, if interrupted by an intruder or trespasser, has been, or may be, recovered by legal process; and it is hereby declared to be the true intent and meaning of this ordinance, that when any of the said lands have been occupied and possessed under and by virtue of a lease or demise, they shall be deemed to have been in the possession of the landlord or lessor under whom they were so occupied or possessed; *Provided*, that all persons who hold title to lands within said limits by virtue of any grant made by any ayuntamiento, town council, alcalde, or justice of the peace of the former pueblo of San Francisco, before the seventh day of July, one thousand eight hundred and forty-six; or grants to lots of land lying east of Larkin street and north-east of Johnston street, made by any ayuntamiento, town council, or alcalde, of said pueblo, since that date, and before the incorporation of the city of San Francisco by the state of California; and which grant, or the material portion thereof, was registered, or recorded in a proper book of record deposited in the office, or custody, or control of the recorder of the county of San Francisco, on or before the third day of April, A. D. one thousand eight hundred and fifty; or by virtue of any conveyance duly made by the commissioners of the funded debt of the city of San Francisco, and recorded on or before the first day of January, one thousand eight hundred and fifty-five, shall, for all the purposes contemplated by this ordinance, be deemed to be the possessors of the land so granted, although the said lands may be in the actual occupancy of persons holding the same adverse to the said grantees.

Ordinance
No. 822.

§ 3. The patent issued, or any grant made by the United States to the city, shall inure to the several use, benefit, and behoof, of the said possessors, their heirs and assigns, mentioned in the preceding section, as fully and effectually, to all intents and purposes, as if it were issued or made directly to them individually and by name.

§ 4. The city, however, as a consideration annexed to the next two preceding sections, reserves to itself all the lots which it now occupies, or has already set apart for public squares, streets, and sites for school-houses, city-hall, and other buildings belonging to the corporation; and also such lots and lands as may be selected and reserved for streets and other public purposes, under the provisions of the next succeeding sections.

§ 5. The city shall have the right to proceed to lay out and open streets, as soon as the corporation may deem it expedient, in that part of the city west of Larkin street and south-west of Johnston street, and reserves the right to take possession of such lands as it may be necessary to occupy for that purpose, without compensation; and to assess, in the manner provided by the present or any existing charter of the city, upon the lands bounded on such streets, the whole expense of laying out, opening, grading, and constructing the same; and payment of the costs of said improvements shall be deemed a charge upon the lands mentioned in this section, to which the city of San

Ordinance
No. 522.

San Francisco relinquishes her right and title by the second and third sections of this ordinance.

§ 6. The city shall also have the right to select and set apart, from the lands west of Larkin street and south-west of Johnston street, as many lots, not exceeding one hundred and thirty-seven and a half feet square each, as the mayor and common council may, by ordinance, determine to be necessary for sites for school-houses, hospitals, fire-engine-houses, and other public establishments necessary and proper for the use of the corporation; and may lay out and reserve upon the said lands, at convenient and suitable points and distances, public squares, which shall not embrace more than one block, corresponding in size to the adjoining blocks; *Provided*, that the selection shall be made within six months from the time of the passage of this ordinance; and that the city shall not, without due compensation, occupy, for the purposes mentioned in this section, after the laying out the streets aforesaid, more than one-twentieth part of the land in the possession of any one person; and that such possessor shall voluntarily assent thereto; or, refusing to do so, shall not be entitled to the benefit of any concession contained in the second and third sections of this ordinance.

§ 7. The lots and lands reserved for the use of the corporation, under the provisions of the next preceding section, shall be selected in localities likely to be most convenient and suitable for their respective uses, and in such proportion to the quantity in the possession of the respective occupants as to make the apportionment as nearly equal as circumstances will admit.

§ 8. The selection of said lands and lots shall be made by a commission, to consist of three persons, who shall be chosen by the common council, in joint convention, who shall report the same to the common council for its approval; and, upon such approval, deeds of release to the corporation for the lands thus selected shall be executed, acknowledged, and recorded, in which deeds shall be specified the uses for which they are granted, reserved, and set apart, respectively.

§ 9. Although the city hereby renounces in favor of the actual possessors, in accordance with the provisions of section second, any right or claim of its own, nothing in this ordinance is intended to prejudice any other outstanding title to the said lands adverse to the said possessors.

§ 10. Application shall be made to the Legislature to confirm and ratify this ordinance, and to Congress to relinquish all the right and title of the United States to the said lands, for the uses and purposes hereinbefore specified.

§ 11. Nothing contained in this ordinance shall be construed to prevent the city from continuing to prosecute, to a final determination, her claim now pending before the United States Land Commission, for pueblo lands, for the several use, benefit, and behoof, of the said possessors mentioned in section two, as to the lands by them so possessed, and for the proper use, benefit, and behoof, of the corporation as to all other lands not hereinbefore released and confirmed to the said possessors.

§ 12. That all ordinances, or parts of ordinances, conflicting with this ordinance, or any of its provisions, be and the same are hereby repealed.

[Approved, June twentieth, one thousand eight hundred and fifty-five. S. P. WEBB, Mayor.]

And whereas, the said common council passed another ordinance, approved by the mayor of said city, September twenty-seventh, A. D. one thousand eight hundred and fifty-five, which last mentioned ordinance is in the words and figures following, to wit:

Number eight hundred and forty-five—Ordinance providing for selecting and designating public squares and reservations for hospitals, fire-engines, and school purposes, and for adopting the plan of streets in the western and south-western portion of the city, according to the provisions of ordinance number eight hundred and twenty-two, and confirmatory of said ordinance number eight hundred and twenty-two. Ordinance No. 845.

The People of the City of San Francisco do ordain as follows :

§ 1. Under and by virtue of the provisions of the ordinance of the common council number eight hundred and twenty-two, entitled "an ordinance for the settlement and quieting of land titles in the city of San Francisco, approved June twentieth, one thousand eight hundred and fifty-five," the board of aldermen and board of assistant aldermen shall meet in joint convention, at their next regular meeting after the passage of this ordinance, and proceed to elect three commissioners, who shall have the powers, and proceed to discharge the duties specified in section eight of said ordinance number eight hundred and twenty-two.

§ 2. It shall be the duty of the city surveyor, acting in conjunction with the said commissioners, and with their concurrence, to furnish, by way of recommendation to the common council, within one month from the date of their appointment, a plan for the location and dimensions of the streets to be laid out within the city limits, west of Larkin, and south-west of Johnston streets, upon which plan shall also be designated the lots and grounds selected by the said commissioners for the use of the city under the provisions of the aforesaid ordinance number eight hundred and twenty-two; *Provided*, that the compensation of said commissioners shall not exceed the sum of one hundred dollars each, payable when the common council may legally make an appropriation therefor.

§ 3. The said ordinance number eight hundred and twenty-two, referred to in the preceding section one, is hereby re-ordained, ratified, and confirmed in all its parts.

[Approved September twenty-seventh, one thousand eight hundred and fifty-five. JAMES VAN NESS, Mayor.]

And whereas, in pursuance of the aforesaid ordinances, commissioners were appointed by the common council, who in conjunction with the city surveyor of said city, agreed upon and reported, for the approval of the common council, a plan for the location of streets, public squares, and lots for public uses, to be laid out west of Larkin and south-west of Johnston streets, in said city, accompanied by a map of the same, which said plan and map was, by the justices of the peace, exercising the powers Map appr'd.

of a board of supervisors of the city and county of San Francisco, adopted, approved, and ratified by an order bearing date the sixteenth day of October, A. D. one thousand eight hundred and fifty-six, which is in the words and figures following, to wit:

The Board of Supervisors of the City and County of San Francisco, do ordain as follows:

§ 1. That the plan or map of the Western Addition, reported by the commission created under an ordinance of the last common council of the city of San Francisco, be adopted by this board, and be declared to be the plan of the city, in respect to the location and establishment of streets and avenues, and the reservation of squares and lots for public purposes in that portion of the then incorporated limits of said city, lying west of Larkin, and south-west of Johnston streets.

Ratified.

Be it therefore enacted, that the within and before-recited order and ordinances be, and the same are hereby, ratified and confirmed; and all the land entered, or to be entered, in the United States Land Office, in pursuance of section one of the first recited of said ordinances, in trust, shall pass and inure to, and be deemed to have immediately vested in the occupants thereof, for their several use and benefit, according to their respective interests, in execution of the trust designated in an act of Congress, entitled an act for the relief of citizens of towns upon the public lands of the United States, under certain circumstances, approved May twenty-third, one thousand eight hundred and forty-four, as extended and applied by an act of Congress, entitled an act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes, approved March third, one thousand eight hundred and fifty-three; and it shall be the duty of all courts and officers to take judicial notice of the said order and ordinances, as hereinbefore recited, without further proof, as fully and effectually, to all intents and purposes, as if they were public acts of the State Legislature.

Survey.

Relinquishment of title.

SEC. 2. That the grant or relinquishment of title made by the said city in favor of the several possessors, by sections two and three of the ordinance first above recited, shall take effect as fully and completely, for the purpose of transferring the city's interest, and for all other purposes whatsoever, as if deeds of release and quit-claim had been duly executed and delivered to and in favor of them individually and by name; and no further conveyance or other act shall be necessary to invest the said possessors with all the interest, title, rights, benefits, and advantages, which the said order and ordinances intend or purport to transfer or convey, according to the true intent and meaning thereof; *Provided,* that nothing in this act shall be so construed as to release the city of San Francisco, or city and county of San Francisco, from the payment of any claim or claims due or to become due this state against said city, or city and county, nor to effect or release to said city and county any title this state has or may have to any lands in said city and county of San Francisco.

reviso.

CHAP. LXVII.—*An Act to extend the time for assessing the Taxes for State and County Purposes.*

[Approved March 11, 1853.]

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

SECTION 1. The board of supervisors of each county shall, on or before the second Monday in May, one thousand eight hundred and fifty-eight, levy the tax for state purposes, under the provisions of a law passed February twenty-seventh, one thousand eight hundred and fifty-eight, entitled an act to amend an act to provide revenue for the support of the government of this state. State tax.

SEC. 2. In any county of this state, where the board of supervisors have failed to assess the county taxes under any general or special law, they are hereby empowered to levy such taxes, at any time before the second Monday in May, one thousand eight hundred and fifty-eight. County tax.

CHAP. LXVIII.—*An Act to further extend the Act concerning Corporations, passed April twenty-second, A. D. one thousand eight hundred and fifty.*

[Approved March 12, 1853.]

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

SECTION 1. Any nine or more persons who may desire to act in concert for the care, protection, relief or improvement of, first, orphans; or, second, foundlings; or, third, shipwrecked or destitute sailors; or, fourth, sick and disabled, or unprotected and needy persons; and who shall desire to form an incorporated company or society, for the protection of either of said benevolent objects, may do so by complying with the provisions of chapter eight of the act concerning corporations, passed April twenty-second, A. D. one thousand eight hundred and fifty; and such benevolent societies incorporated under the provisions of said act, as hereby extended, shall possess the same powers, be subject to the like liabilities, and enjoy the like privileges as therein provided. Corporate purposes.

SEC. 2. Women, married or unmarried, may be incorporators, officers, and members of benevolent incorporations, for the purposes herein aforesaid, and may transact the business thereof in the same manner and subject to the same liabilities as males. But no married woman shall have power to contract or incur any liability therein against her husband; nor shall any husband be liable, in any manner, for any debt or liability, in any manner contracted or incurred; nor shall the common property of the husband and wife be in any manner affected by his wife becoming or acting as such corporator, except the same be specifically agreed to by the husband and wife, in writing. Women may be incorporators.

Corporative
powers.

SEC. 3. The corporations hereinbefore enumerated shall have power to elect such officers and such number of directors, managers, or trustees, and fill vacancies and make such needful rules and regulations, to carry their benevolent objects into effect, as they may, by their constitution and by-laws, from time to time provide, and as shall not be inconsistent with any of the laws of this state.

CHAP. LXIX.—*An Act to amend an Act entitled "An Act for the relief of Insolvent Debtors, and protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two.*

[Approved March 12, 1858.]

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

Benefit of act
denied cer-
tain debtors.

SECTION 1. Section thirtieth of said act is hereby amended to read as follows: All insolvent debtors owing, or accountable in any manner for public funds or property of whatever nature or kind; all unfaithful depositories; all such as refuse or neglect to pay up all funds received by them as bankers, brokers, commission merchants, or for money, goods, or effects, received by them in a fiduciary capacity, shall be denied the benefit of this act; *Provided*, that such parties may avail themselves of this act for the purpose of procuring an equal distribution of their assets among their creditors, and for that purpose only said act shall apply to estates of such insolvents in this section mentioned; *And provided, further*, such debtor may be discharged from all debts not named in this section.

CHAP. LXX.—*An Act to audit the Claim of J. W. Denver.*

[Approved March 11, 1858.]

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

Claim.

SECTION 1. The claim of J. W. Denver, as one of the board of commissioners of the California war debt, for services rendered previous to January first, one thousand eight hundred and fifty-seven, for the sum of one thousand five hundred dollars, is hereby audited and allowed.

CHAP. LXXI.—*An Act to provide for the authentication of certain evidence in relation to Swamp and Overflowed Lands heretofore sold by this state.*

[Approved March 13, 1858.]

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

SECTION 1. It is hereby made the duty of the surveyors and

recorders of the counties in this state, in which are situate any of the swamp and overflowed lands heretofore sold under the provisions of an act to provide for the sale of the swamp and overflowed lands, passed April twenty-eighth, one thousand eight hundred and fifty-five, at the request of the Surveyor General of the state, to forward immediately to his address duly authenticated copies of all affidavits and other evidence, of whatever character, now on file or of record in their respective offices, which go to prove that the lands sold as aforesaid are actually swamp and overflowed lands. Duty of surveyors and recorders.

SEC. 2. Said surveyors and recorders shall receive, for their services under this act, the same fees for copying and certifying which are by law allowed the recorder of their respective counties for similar services, to be paid out of the appropriation hereinafter made upon Controller's warrants issued under order of the board of examiners; *Provided, always*, that no greater number of certificates shall be paid for than may be actually necessary to properly authenticate the copies aforesaid. All accounts for services under this act shall be verified by the claimant, and contain a bill of items certified to be correct by the Surveyor General. Compensat'n

SEC. 3. The sum of five hundred dollars, of any money in the treasury not otherwise appropriated, is hereby appropriated and set apart for the payment of surveyors' and recorders' fees under this act; and it is hereby made the duty of the State Treasurer, from the first money paid into his office on account of the sales of swamp and overflowed lands not otherwise applied by law, to place the sum of five hundred dollars to the credit of the general fund. Appropriation

SEC. 4. The Surveyor General of State shall, without delay, make the request contemplated in the first section of this act; and shall, on or before the twentieth day of March next, transmit to the United States Commissioner of Lands, at Washington City, duly authenticated, all evidence now on file in his office, or procured under the provisions of this act, which may in any manner establish the fact that the lands sold by this state under the act of April twenty-eighth, one thousand eight hundred and fifty-five, hereinbefore recited, are swamp and overflowed lands, together with a request that all such lands be withdrawn from market. Evidence transmitted.

CHAP. LXXII.—*An Act to authorize Guardians of Minors, Idiots, and Lunatics, to receive and remove from this State any property to which said ward may be entitled.*

[Approved March 13, 1858.]

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

SECTION 1. When the guardian and ward are both non-residents, and the ward is entitled to property in this state which may be removed to another state without conflict to any restriction or limitation thereupon, or impairing the right of the ward thereto, such property may be removed to the state of the resi- Application.

dence of the ward, upon the application of the guardian to the judge of probate of the county in which the estate of the ward, or the principal part thereof, may be, in the manner following.

Transcript.

SEC. 2. The guardian must produce a transcript from the records of a court of competent jurisdiction, certified according to the laws of this state, showing that he has been appointed guardian of the ward in the state in which he and the ward reside, and has qualified as such, according to the laws thereof, and gave bond, with sureties, for the performance of his trust; and must also give thirty days' notice to the resident executor, administrator, or guardian, if there be such, of the intended application; thereupon, if good cause be not shown to the contrary, the probate judge shall make an order granting such guardian leave to remove the property of his ward to the state or place of his residence, which shall be an authority to him to sue for and receive the same in his own name, for the use and benefit of his ward.

Order of discharge.

SEC. 3. Such order shall be a discharge of the executor, administrator, guardian, or other person in whose possession such property may be at the time the order is made.

CHAP. LXXIII.—*An Act to change and fix the Time of holding the Court of Sessions and the County Court, of Yuba County.*

[Approved March 13, 1858.]

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

Time of meeting.

SECTION 1. The court of sessions and the county court of the county of Yuba shall be held quarterly, as follows: The court of sessions in said county shall meet on the first Monday of April, July, October, and January, of each year, and shall continue until all the business shall be completed. The county court of said county shall meet on the first Monday of March, June, September, and December, of each year, and continue until all the business is completed.

CHAP. LXXIV.—*An Act to authorize the Executors of the last will and testament of F. C. Christian Russ, deceased, to sell Real Estate of the testator at private sale.*

[Approved March 13, 1858.]

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

Executors authorized.

SECTION 1. That C. Frederick Mebius and Adolphus G. Russ, executors of the last will and testament of F. C. Christian Russ, late a resident of the city of San Francisco, deceased, be, and they, and any, and each of them, hereby are authorized and empowered to sell such portion or portions of the real estate of which the said F. C. Christian Russ died seized or possessed, in the state of California, and any right, title, or interest in such real estate, belonging to the said decedent in his lifetime, as may

be sufficient to pay the debts outstanding against the estate of said testator, the allowance to his family and the expenses of administration, at such time or times, on such terms, and in such a manner, whether at public or private sale, as shall be most advantageous to the said estate; *Provided*, that when any sale is made under and by virtue of the authority given by this act, at least one-third of the purchase money shall be paid at the time of such sale, and the balance upon such credit as the said executors may deem expedient to give, not exceeding one year; and the purchaser or purchasers shall secure the purchase money remaining unpaid, by note and mortgage on the property sold, bearing interest at the rate of at least one per cent. per month.

SEC. 2. The said executors shall make a full report of any and all such sale of [or] sales as shall be made by them, or any or either of them, respectively, to the probate court of the county of San Francisco; and the judge of said court shall examine the same, and confirm or set aside the said sale or sales, as in other cases of sales of real estate by executors or administrators. Report sales.

SEC. 3. The said executors, and any and each of them, are hereby authorized, upon the confirmation of any such sale or sales as hereinbefore provided, and the compliance, on the part of the purchaser or purchasers, with the terms of such sale or sales as set forth in section one of this act, to execute, acknowledge, and deliver, to the said purchaser or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said F. C. Christian Russ in his lifetime. Conveyance valid.

CHAP. LXXXV.—*An Act to fix the Compensation of the Members of the Board of Supervisors of Siskiyou County.*

[Approved March 13, 1858.]

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

SECTION 1. Each member of the board of supervisors of the county of Siskiyou shall receive for his services, for each day he is actually and necessarily engaged on the business of the county, a sum, to be fixed by the board, not exceeding six dollars per day, and not to exceed in the aggregate, in any one year, five hundred dollars for the president of said board, and four hundred dollars for the other members thereof. Compensation

SEC. 2. Each member of said board shall receive twenty-five cents per mile for each mile necessarily traveled in going to and returning from the county seat; *Provided*, that no charge shall be made for more than one trip, going and returning, from the residence of such supervisor, at each term held; *And provided*, that no supervisor shall be allowed more than one day's *per diem* for any one day, by reason of his being on the committees appointed by the board, or for any other cause; and no further allowance whatever shall be made for services as a member of said board. Mileage.

SEC. 3. Section eighteen of the act entitled "an act to create a board of supervisors in the counties of this state, and to define

their duties and powers," approved March twentieth, one thousand eight hundred and fifty-five, so far only as the same applies to Siskiyou county, is hereby repealed.

CHAP. LXXVI.—*An Act to extend the time for the collection of Taxes for one thousand eight hundred and fifty-seven, in the County of Butte.*

[Approved March 13, 1858.]

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

Time ext'd ed SECTION 1. The collector of taxes for the county of Butte shall continue the collection of state and county taxes due therein upon the delinquent tax list for one thousand eight hundred and fifty-seven, until the first Monday of May, one thousand eight hundred and fifty-eight; and for such purpose, he shall have all the powers given to tax collectors and sheriffs by an act to provide revenue for the support of the government, and known as the revenue law of one thousand eight hundred and fifty-seven; and said collections shall be governed in all respects by said act, except as provided in this act.

Final settlement. SEC. 2. The tax collector of Butte county shall not be required to make a final settlement, or to return his delinquent list until the first Monday of June next.

SEC. 3. This act shall expire on the tenth day of June, one thousand eight hundred and fifty-eight; and during its continuance, all acts in conflict and inconsistent with this act are suspended.

CHAP. LXXVII.—*An Act to separate the office of Collector of Taxes from the offices of Sheriff and Assessor in the County of Placer.*

[Approved March 15, 1858.]

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

Offices separated. SECTION 1. From and after the second day of June, one thousand eight hundred and fifty-nine, the office of collector of taxes in the county of Placer shall be separate from the offices of sheriff and assessor.

Collector to be elected. SEC. 2. At the next general election, and at the next general election every two years thereafter, there shall be elected in the said county a collector of taxes, who shall enter upon the duties of his office on the second day of June, one thousand eight hundred and fifty-nine, and shall hold said office until the first Monday of December, one thousand eight hundred and sixty, and until his successor is elected and qualified.

Term. SEC. 3. The terms of said office, except the one provided for in section two of this act, shall be two years, and commence on the first Monday in December, one thousand eight hundred and sixty, and on the first Monday in December every second year thereafter.

SEC. 4. The collector of taxes elected under the provisions of this act, shall collect all state and county taxes, all foreign miners' license taxes, all poll-taxes, all kinds of public dues, which, by law, shall be required to be collected on the first day of June, A. D. one thousand eight hundred and fifty-nine, by the sheriff and assessor of said county; and shall receive for his services the same compensation as shall be allowed by law to said officers for like services. And all duties and liabilities imposed by law upon the said sheriff and assessor, in the collection of said taxes and public dues, shall attach to the office hereby created; and all authority and power enjoyed by said sheriff and assessor, for the enforcement of the said collections, is conferred upon said collector; and the said collector, elected under the provisions of this act, shall give such bond or bonds as shall be, by law, required to be given by the said sheriff and assessor for like responsibility; and shall, in addition, give a bond, in the sum of twenty thousand dollars, for the proper discharge of his duties as collector of taxes upon property.

SEC. 5. The collector of taxes, hereby created, shall have the power of appointing one or more deputies, to aid in his official duties, for whose official conduct he shall be responsible. And each and every such deputy, before entering upon the discharge of the duties of his office, shall make and subscribe, in writing, upon the back of his certificate of appointment, the oath of office required of his principal, modified to suit his position; and shall, immediately thereafter, file the same with the county recorder of said county; and he shall not be considered qualified to act until the same is done.

SEC. 6. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed, so far as they relate to the county of Placer; *Provided*, that nothing in this section shall be held to affect the offices of sheriff and assessor in said county until the second day of June, A. D. one thousand eight hundred and fifty-nine.

CHAP. LXXVIII.—*An Act to legalize the Assessment and enforce the Collection of Taxes within the city of Sacramento for the municipal year commencing April, one thousand eight hundred and fifty-seven.*

[Approved March 15, 1853.]

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

SECTION 1. The assessment of taxes in and for the city of Sacramento for the year one thousand eight hundred and fifty-seven-eight, being the municipal year commencing in April, one thousand eight hundred and fifty-seven, and all subsequent proceedings in relation to said taxes and assessments, are hereby legalized and declared to have the same force and effect, to all intents and purposes, as though the assessor of said city and all other city officers had, in all respects, complied with the statutes of this state and the charter and ordinances of said city, regulating the assessment and collection of taxes in said city.

Tax collector
deeds.

SEC. 2. Any and all deeds of conveyance which may be properly executed by the tax collector of the city of Sacramento, for lands, lots, parts of lots, and improvements, sold by said collector for unpaid or delinquent city taxes for the year one thousand eight hundred and fifty-seven-eight, shall be received and recognized in any court of this state as *prima facie* evidence of title in fee simple, in the grantee or grantees therein named, for the lands, tenements, and hereditaments, therein described.

Delinquents
exonerated
from per
centage.

SEC. 3. Delinquents for taxes in the city of Sacramento for the fiscal year of one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight, commencing in April, one thousand eight hundred and fifty-seven, shall be allowed, and they are hereby granted, the further time until the twentieth day of March, one thousand eight hundred fifty-eight, to pay such delinquent taxes; and such delinquent tax-payers shall be exonerated and relieved from the payment of the per centage imposed by the existing laws upon delinquent tax-payers, where property has been sold for such taxes; *Provided*, such taxes be paid within the time herein limited.

Proviso.

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

CHAP. LXXIX.—*An Act to amend an act entitled "An Act to grant to certain parties the right of laying a Railroad Track along certain streets within the city and county of San Francisco."*

[Approved March 13, 1858.]

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

Act amended

SECTION 1. The third section of the act entitled "an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco," passed April sixth, one thousand eight hundred and fifty-seven, and which section is in these words: Said parties shall complete, within the period of twelve months next following the passage of this act, a section of said railroad which shall be equal to one-fourth of the distance from the point of commencement to Center street; and within a period of four months next following, a second section, equal to another fourth of said distance; and within a period of four months next following, a third section, equal to the third fourth of said distance; and within the period of four months thereafter, shall complete the remaining section, to Center street, in said city," shall be and is hereby amended so as to read as follows:

Stipulation.

Section three—Said parties, or their assigns, shall complete by the first day of November, one thousand eight hundred and fifty-nine, a section of said railroad which shall be equal to one-fourth of the distance from the point of commencement to Center street; and within a period of four months next following, a second section, equal to another fourth of said distance; and within a period of four months next following, a third section, equal to the third fourth of said distance, and within the period

of four months thereafter, shall complete the remaining section, to Center street, in said city.

CHAP. LXXX.—*An Act to audit the Claim of D. W. Gilmore.*

[Became a Law by operation of the Constitution, March 15, 1858.]

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

SECTION 1. The claim of D. W. Gilmore, for services rendered in the Governor's office for the year one thousand eight hundred and fifty-six, for the sum of eight hundred and eighty dollars, is hereby audited and allowed. Claim allowed.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this fifteenth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. LXXXI.—*An Act in relation to the office of the County Assessor of the County of San Joaquin.*

[Approved March 16, 1858.]

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

SECTION 1. It shall be the duty of the board of supervisors of the county of San Joaquin to provide a suitable office, with the necessary furniture therefor, for the use of the county assessor of said county. Said board may also, at their discretion, procure for their own use and that of the county assessor, a true and correct map of said county, to be first accepted by them as the official map of said county, and recorded as such; *Provided*, that the cost of said map shall not exceed the sum of six hundred dollars. Apartment. Official map.

CHAP. LXXXII.—*An Act to provide for the transcribing and transferring certain Records in Sonoma and Solano Counties to the County of Napa.*

[Approved March 16, 1858.]

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

SECTION 1. The board of supervisors of the county of Napa are hereby authorized to contract with the recorders of the counties of Sonoma and Solano, at a rate not exceeding twenty-five cents per folio, to transcribe into suitable books, to be pro- Rate for transcribing.

vided by said board, accurate and full copies of deeds, mortgages, powers of attorney, plots, and other evidences of title, to all lands situated within the county of Napa; also, all records kept or made by, as well as acknowledgments taken before alcaldes, or other officers acting under former Mexican or California laws, and now of record in the recorders' offices of said counties of Sonoma and Solano, respectively; and certify the same.

Records to be filed.

SEC. 2. Said records, so transcribed, as provided in the foregoing section, shall be filed in the recorder's office of Napa county, and shall thereafter be held and deemed as original records, for all purposes affecting the lands therein described.

CHAP. LXXXIII.—*An Act legalizing the Assessment Roll of Tehama County for the year one thousand eight hundred and fifty-seven, and extending the time for collecting the revenue in said county.*

[Approved March 16, 1858.]

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

Certificate.

SECTION 1. Charles E. Fisher, assessor of Tehama county for the year eighteen hundred and fifty-seven, is hereby authorized to attach his certificate to the assessment roll which he returned to the clerk of the board of equalization of said county on the second Monday of August, one thousand eight hundred and fifty-seven, and the same shall hereby be legalized.

Proceedings legalized.

SEC. 2. The collections, and all other proceedings, which have heretofore been made, or hereafter may be made, by the tax collector of said county, under the said assessment roll of one thousand eight hundred and fifty-seven, are hereby legalized, and shall have the same force and effect as if the assessor had attached his certificate before handing in said assessment roll.

Final settlement.

SEC. 3. The tax collector of said county shall proceed to enforce the collection of all delinquent taxes, according to law, and the time for his final settlement is hereby extended to the first Monday in April, one thousand eight hundred and fifty-eight.

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

CHAP. LXXXIV.—*An Act to provide for the maintenance of the Indigent Sick of the county of Trinity.*

[Approved March 16, 1858.]

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

Special tax.

SECTION 1. The board of supervisors in and for the county of Trinity are hereby authorized and empowered to levy annually, and cause to be collected, such special *per capita* tax as they may deem necessary, not to exceed the sum of four dollars from each taxable inhabitant thereof, which shall be appropriated to the maintenance of the indigent sick of said county.

SEC. 2. The taxes by this act authorized to be levied, shall be collected by the assessor of the county, in the same manner, and settle for in the same manner, and at the same times as poll-taxes are now, or may hereafter by law be directed to be collected and settled for. The county auditor shall provide blank receipts for the tax herein provided to be collected, signed by himself and countersigned by the county treasurer, and by the auditor delivered to the assessor, in such number and at such times as may be necessary; for which said receipts, so delivered, said assessor shall receipt to the auditor, and be charged therewith in a book to be kept for that purpose. Immediately on the delivery to the assessor of any number of receipts under this act, the auditor shall certify such fact to the county treasurer. All taxes collected under this act shall constitute the special hospital fund of Trinity county.

Collection.

Receipts.

SEC. 3. The special hospital fund, created by this act, shall be subject only to the order of the board of supervisors of the county; and may be disposed of by said board in such manner as they may provide, for the maintenance of the indigent sick.

Hospital fund

SEC. 4. For the duties provided to be discharged by county officers under this act, such officers shall receive the same fees, to be paid out of the taxes collected, as they severally receive for similar services in collecting poll-taxes; *Provided*, said assessor shall not receive more than fifteen per cent. for collecting at any time.

Fees.

SEC. 5. The assessor, before any receipts for the taxes provided to be collected by this act shall be placed in his hands, shall execute a bond to the county of Trinity, in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the supervisors, conditioned that he will faithfully account for and pay over to the county treasurer all moneys received under the provisions of this act; and if said assessor shall fail, neglect, or refuse to give such bond, or, having given such bond, shall have suit commenced against him thereon by order of the board of supervisors, then said assessor is hereby declared to have forfeited his right to the collection of taxes under this act; and the sheriff of the county, upon filing the bond herein provided for, shall be vested with all the powers and duties hereby conferred upon said assessor.

Bond.

CHAP. LXXXV.—*An Act to provide for a Monthly Statement of the Receipts and Disbursements by the County Treasurer of the County of Sierra.*

[Approved March 16, 1858.]

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

SECTION 1. On the Saturday preceding the first Monday of each month, the county treasurer of the county of Sierra shall make out, and post up in a conspicuous place in his office, a statement of the receipts and disbursements of the county treasurer for the present month, which shall show: *First*—The amount of outstanding registered county orders or warrants, on the last

Statement.

First,

Saturday of the preceding month, as follows: On the general fund, — dollars; on the school fund, — dollars; jail fund, — dollars; road fund, — dollars; interest fund, — dollars; sinking fund, — dollars; on the hospital fund, — dollars; any other funds, (if any are kept,) — dollars; total outstanding registered warrants, — dollars. *Second*—The amount of outstanding registered county warrants or orders, this day, as follows: On the general fund, — dollars; school fund, — dollars; jail fund, — dollars; road fund, — dollars; interest fund, — dollars; sinking fund, — dollars; hospital fund, — dollars; any other funds, (if any are kept,) — dollars; total outstanding registered warrants, this day, — dollars. *Third*—Cash on hand belonging to the state, on the last Saturday of the preceding month; cash on hand on the last Saturday of the preceding month, belonging to the county, which was apportioned among the different funds, as follows: General fund, — dollars; school fund, — dollars; jail fund, — dollars; road fund, — dollars; interest fund, — dollars; sinking fund, — dollars; hospital fund, — dollars; and, if any other fund, or funds, is, or are kept in said county, naming them specifically, and the amount in each, — dollars; total amount of cash on hand on the last Saturday of the preceding month, — dollars. *Fourth*—Cash received during the present month for the state, — dollars; cash received the present month for the county, from the following sources: For foreign miners' licenses, — dollars; for poll-taxes, — dollars; for poll-taxes, county sinking fund, — dollars; for state and county licenses of all kinds, — dollars; for fines and forfeitures, — dollars; from all other sources whatever, — dollars; total cash received during the present month, — dollars. *Fifth*—Which was apportioned to the following funds: Monies belonging to the state, — dollars; general fund, — dollars; school fund, — dollars; jail fund, — dollars; interest fund, — dollars; road fund, — dollars; sinking fund, — dollars; hospital fund, — dollars; to any other fund, (if any is kept,) — dollars; total cash received into the treasury during the present month, from all sources, — dollars. *Sixth*—Disbursements during the present month: Cash paid to state, — dollars; cash paid, orders on general fund, — dollars; cash paid, orders on school fund, — dollars; cash paid, orders on jail fund, — dollars; cash paid, orders on road fund, — dollars; cash paid, orders on interest fund, — dollars; cash paid, orders on sinking fund, — dollars; cash paid, orders on hospital fund, — dollars; cash paid, orders on any other fund, — dollars; total cash in the treasury this day, — dollars. *Seventh*—Which is divided among the following funds, as follows: State money, — dollars; general fund, — dollars; school fund, — dollars; jail fund, — dollars; road fund, — dollars; interest fund, — dollars; sinking fund, — dollars; hospital fund, — dollars; if any other fund, specify, — dollars; them by name, — dollars; which statement shall be certified to be correct by the county treasurer and his deputy, or deputies, over their signatures.

Affidavit.

SEC. 2. The said county treasurer, and each of his deputies, shall also, at the time of making the statement and certificate required in the preceding section, make, and append or annex to

said statement, the following affidavit, and subscribe and swear to the same before the county clerk of the county of Sierra, or one of his deputies: "I, _____, county treasurer, and _____, deputy county treasurer, of the county of Sierra, do solemnly swear that the foregoing monthly statement of the receipts into and the disbursements out of the county treasury, of the county of Sierra, is true and correct; and that I have not, knowingly, during the preceding month, registered any order out of its proper order of precedence or succession, that was presented for payment and not paid for want of funds; that I have not refused to pay any county order or warrant on any particular fund when there was money in the said fund to pay the same; that I have not, directly or indirectly, bought or procured to be bought, for me, or for any person for my benefit, any county order or warrant, or county indebtedness whatever; that I have not paid, or knowingly permitted to be paid, to any person or persons, any county order, or warrant, or indebtedness, of the county of Sierra, to the exclusion of any county order, or warrant, or indebtedness, that was registered prior thereto; unless the same was expressly permitted by law, or only after reserving in the fund on which the orders were drawn, a sum sufficient to pay the said prior registered orders, or warrants, or indebtedness. I further solemnly swear that I have not, directly or indirectly, used, or permitted to be used by others, any of the moneys in the treasury of Sierra county during the preceding month; and when I have deposited the same, it has been deposited as a special deposit, in a sealed package; and that I have paid no county order, or warrant, or indebtedness, or bonds, in any manner but in gold and silver in the office of the county treasurer, and for the full amount of the same; so help me God."

Affidavit.

SEC. 3. A duplicate of the statement, certificate, and affidavit, in this act required, shall, on the day on which the original is made, be filed with the county auditor, who shall carefully preserve the same in a book kept for that purpose.

Duplicate.

SEC. 4. Any county treasurer, or any deputy county treasurer of the county of Sierra, who shall knowingly, wilfully, or corruptly, swear falsely, in any matter contained in the statement, certificate, and affidavit, required in section two, and the duplicate thereof required in section three of this act, shall be deemed guilty of perjury, and shall, on conviction, be punished accordingly.

Penalty for false oath.

SEC. 5. If the county treasurer of the county of Sierra, or either of his deputies, shall fail or neglect to make, deliver, or post up, in his office, on the last Saturday preceding the first Monday of each month, the statement required in section one of this act, or to annex and append to said statement the oath required in section two of this act, it shall be a good cause for their removal from office; and the county treasurer may be proceeded against for said neglect or failure, and the deputy or deputies shall absolutely forthwith be discharged from his office as deputy.

Neglect of duties.

SEC. 6. No person, except a duly appointed and sworn deputy, shall be permitted to receive or pay out any money of the state or county, in the office of the county treasurer.

Sworn deputy

SEC. 7. This act shall take effect on the first Monday of March, A. D. one thousand eight hundred and fifty-eight.

CHAP. LXXXVI.—*An Act to authorize and empower the City and County of San Francisco to convey to the United States a Site for a Light-house.*

[Approved March 17, 1858.]

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

SECTION 1. The corporation of the city and county of San Francisco is hereby authorized and empowered, by deed of conveyance under the corporate seal, and duly signed and executed by the president of the board of supervisors, to release and convey to the United States of America, for a light-house site, all the right and title of the said corporation to a lot of land four hundred feet square, situated at Point Lobos, in the county of San Francisco, together with the right of way.

SECTION 2. The said lot of land, together with the tenements and hereditaments, shall be exempt, so long as it is used and occupied by the United States as a light-house site, from all taxation by the state of California and the city and county of San Francisco.

Site for
light-house.

Exempt fr'm
taxation.

CHAP. LXXXVII.—*An Act amendatory of an Act entitled "An Act to regulate Rodeos," passed April thirtieth, one thousand eight hundred and fifty-one.*

[Approved March 17, 1858.]

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

SECTION 1. Section second of an act entitled "an act to regulate rodeos," passed April thirtieth, one thousand eight hundred and fifty-one, and amended March twenty-sixth, one thousand eight hundred and fifty-two, shall be amended so as to read as follows :

Section two—If any person required to give such general rodeos, by the provisions of this act, shall neglect or refuse to do so, or willfully neglect to collect any portion of his stock, any adjoining stock-farmer shall have power to give such rodeos, and the person so neglecting or refusing shall pay the cost of the same. In this case, the person giving such rodeos shall give notice, as required by section one; *Provided*, that, in the counties of San Luis Obispo, Santa Barbara, Los Angeles, San Bernardino, and San Diego, if said general rodeos be not given before the fifteenth day of May, a judge of the plains of said county may give such rodeo, at the cost of the party so neglecting or refusing to give such rodeo, after five days' written or verbal notice to the neighbors.

SECTION 2. Section ten of said act shall be amended so as to read as follows :

Section ten—Every stock-farm, the owner of which shall possess therein more than three thousand head of neat cattle, and not over six thousand, shall be allowed to divide said cattle into two rodeos; or, if the number exceed six thousand head, into

Rodeos.

Penalty for
neglect.

Proviso.

Division.

three rodeos, at each of which the provisions respecting general rodeos shall be complied with, and the whole number of these partial rodeos shall be considered as the general rodeo of such farm; *Provided*, that such partial rodeos be given on successive days.

SEC. 3. This act shall not apply to, nor be in force in, the counties of Monterey, Santa Cruz, Merced, Stanislaus, Contra Costa, Sonoma, Mendocino, Santa Clara, Solano, Yolo, Napa, San Joaquin, and San Mateo. Counties exempted.

CHAP. LXXXVIII.—*An Act to authorize Andrew J. Moulder, James Van Ness, and William McKibbin, in the capacity of a board of fund commissioners, and Edmund Randolph, a[s] chairman of the board of examiners, to sign certain papers and issue certain bonds.*

[Approved March 17, 1858.]

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

SECTION 1. Andrew J. Moulder, James Van Ness, and William McKibbin, the board of fund commissioners, under the act entitled an act to provide for the funding of the legal and equitable debt of the city of San Francisco, and for the final redemption of the same, approved May seventh, one thousand eight hundred and fifty-five, are hereby authorized to sign and deliver certificates of balances to all parties whose claims have been expressly allowed and reported due by the board of examiners, created by the said act; and Edmund Randolph, chairman of the said board of examiners, is hereby authorized to countersign the same, as provided by said act. Certificates of balances.

SEC. 2. The commissioners hereinbefore named are authorized to receive and cancel all outstanding certificates of balances, and to issue therefor bonds, as provided for by said act, approved May seventh, one thousand eight hundred and fifty-five. Bonds.

CHAP. LXXXIX.—*An Act making an appropriation to pay M. F. Butler for his services in preparing plans and specifications for Prison Buildings about to be erected at the State Prison at San Quentin.*

[Approved March 17, 1858.]

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

SECTION 1. The sum of twenty-seven hundred and ninety-six dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay M. F. Butler, the architect employed by the state prison commissioners, for preparing plans and specifications for the erection of state prison buildings, ordered to be erected by said commissioners, and for expenses incurred in connection therewith. Appropriat'

CHAP. XC.—*An Act to audit and allow the Claim of Samuel J. Frisbee.*

[Approved March 17, 1858.]

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

Claim
allowed.

SECTION 1. The claim of Samuel J. Frisbee, for the sum of twelve hundred dollars, for services rendered in the year one thousand eight hundred and fifty-two, in transporting furniture and archives of this state to Vallejo, is hereby ordered and allowed.

CHAP. XCI.—*An Act providing for an examination and settlement of the Accounts of S. A. McMeans, late State Treasurer.*

[Approved March 17, 1858.]

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

Attorney
General.

SECTION 1. The Attorney General of the state of California is hereby empowered and directed, at his earliest convenience, to examine the books, accounts, and vouchers, of S. A. McMeans, formerly Treasurer of this state, for the purpose of ascertaining the condition and the adjustment of his accounts, as such Treasurer, with the state of California.

Controller,
etc.

SEC. 2. The State Controller, State Treasurer, and Secretary of State, are hereby respectively authorized and required to furnish the Attorney General with any and all books, papers, vouchers, and records pertaining to the official transactions of said S. A. McMeans, as State Treasurer of this state, which the Attorney General may require for his own examination, or that of any person or persons employed by him for that purpose.

Balance.

SEC. 3. If it shall appear, upon such examination, that any balance is due to the state from said S. A. McMeans, if the same shall not be immediately paid into the state treasury, the Attorney General shall thereupon proceed, by suit or suits, in such manner as he may deem advisable, against said McMeans and his sureties on his official bonds, for the recovery of the amount ascertained to be due ; but if there shall be found nothing due to the state, the Attorney General shall make a settlement with said McMeans, in accordance with the facts then shown ; and if any balance shall be ascertained as due to said McMeans the Attorney General shall certify and report the facts to the next session of the Legislature, for their action.

Settlement.

Report.

Clerk hire.

SEC. 4. An amount of money sufficient for the necessary purposes of such proceedings, not exceeding five hundred dollars, is hereby appropriated out of any moneys unexpended in the general fund of the state treasury, to be used under the direction of the board of examiners of the state of California, for the payment of such clerical assistance as he may require in the course of such investigations, and the payment of witness' fees and costs of court.

CHAP. XCII.—*An Act for the relief of the Mountain Lake Water Company.*

[Approved March 18, 1858.]

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

SECTION 1. All rights, franchises, powers, and privileges, given ^{Relief.} and granted, or intended so to be, by the corporation of the city of San Francisco, to the corporation known as the Mountain Lake Water Company, by ordinance of said city of San Francisco, number eight hundred and ninety-six, "authorizing the Mountain Lake Water Company to introduce fresh water into the city," approved March nineteenth, one thousand eight hundred and fifty-six, be, and the same are hereby, given, granted, and confirmed to the Mountain Lake Water Company, their successors and assigns, subject to all the restrictions and provisions contained in said ordinance, except such restrictions and provisions ^{Condition.} as are contained in section four of said ordinance, and upon the condition that said company introduce water into said city within one year from the first day of March, one thousand eight hundred and fifty-nine; and upon a failure of said company to comply with the foregoing condition, all the privileges, powers, and franchises, aforesaid, shall cease, and be wholly annulled.

SEC. 2. Nothing in this act shall be so construed as to impair any existing rights of the San Francisco City Water-Works.

CHAP. XCIII.—*An Act entitled an Act authorizing the construction of a Telegraph Line from the City of San Francisco to the City of Los Angeles.*

[Approved March 18, 1858.]

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

SECTION 1. The right and privilege is hereby granted to Solomon A. Sharp, Leonidas Haskell, Robert H. Bacon, and James S. Graham, to construct and put in operation an electro-magnetic telegraph line from the city of San Francisco, by way of the city of San José, the towns of Santa Cruz and Monterey, and other intermediate points, to the city of Los Angeles, with right of way over any lands belonging to this state, and on or along any streets, roads, or highways, or across any stream or streams; ^{Right granted.} *Provided,* they do not obstruct the same. ^{Proviso.}

SEC. 2. This line shall be bound to do the business of all local side lines connecting or touching it at any point; but no local side lines shall erect or have any office established so as to do business, directly or indirectly, over this line between the cities of San Francisco and Los Angeles; *Provided,* the power hereby granted shall not exclude or prohibit other persons or corporations from erecting other and independent telegraph lines between the above named places or intermediate points. ^{Side lines.}

Dispatches
in order.
Penalty.

SEC. 3. This line shall be bound to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed, or any other person suffering damages therefrom out of its order, as herein prescribed; *Provided, however, that an arrangement may be made with the proprietors or publishers of newspapers, for the transmission, for the purpose of publication, of intelligence of general and public interest, out of its regular order; And provided, further, that in case of war or insurrection, preference shall be given to the dispatches of officers of the army and navy, when such dispatches relates to their official duties or acts; and preference shall also be given to sheriffs, and other civil officers, for the transmission of intelligence for the detection and capture of criminals.*

Proviso.

Incorporat'n

SEC. 4. The parties named in section one of this act, or their assigns, shall proceed, within six months, to incorporate themselves under the provisions of the act of April twenty-second, one thousand eight hundred and fifty, concerning corporations, relating to telegraph companies; and nothing in this act shall be construed so as to relinquish the right of the state to regulate and control said telegraph company, according to all acts that now exist, or may hereafter be enacted, for the government and formation of corporations.

Penalties for
injury.

SEC. 5. Any person or persons who shall unlawfully and intentionally injure, molest, or destroy, any of said line, posts, wires, pins, or other materials, or the property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not less than three hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, for such offence; and shall be liable to the party injured, in civil action, for double the amount of damages sustained.

In operation.

SEC. 6. Said parties shall proceed, in good faith, within twelve months after the passage of this act, to construct, and put in operation, the said line.

SEC. 7. Nothing in this act shall be so construed as to prevent the Legislature from altering, amending, or repealing the same, at any time.

CHAP. XCIV.—*An Act supplementary to an Act entitled "An Act supplementary to an Act entitled an Act to authorize William Moody and Morgan Hart to build a Wharf in the County of Solano, approved May third, one thousand eight hundred and fifty-two," approved April twenty-fifth, one thousand eight hundred and fifty-seven.*

[Approved March 18, 1858.]

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

Rights, etc.

SECTION 1. The rights and privileges extended and confirmed to Josiah Wing, as assignee and former partner of William Moody and Morgan Hart, by the provisions of the act to which this is

supplemental, are hereby declared to be those granted to the said William Moody and Morgan Hart by an act entitled an act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano, approved May third, one thousand eight hundred and fifty-two, as amended by an act entitled an act amendatory of an act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano, passed May third, one thousand eight hundred and fifty-two, approved February twenty-fourth, one thousand eight hundred and fifty-three, and no other.

Wharf.

CHAP. XCV.—*An Act to ratify and approve Order number forty-six, of the board of supervisors of the City and County of San Francisco, approved August sixth, one thousand eight hundred and fifty-seven.*

[Approved March 18, 1858.]

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

Whereas, On the third day of August, one thousand eight hundred and fifty-seven, the board of supervisors of the city and county of San Francisco passed an order, known as "order number forty-six," "in relation to the introduction of pure fresh water into the city and county of San Francisco, for fire, municipal, and other purposes," which order was duly approved by E. W. Burr, the president of said board of supervisors, on the sixth day of August, A. D. one thousand eight hundred and fifty-seven, of which order the following is a copy, to wit :

Water in San Francisco.

Order number forty-six—In relation to the introduction of pure fresh water into the city and county of San Francisco, for fire, municipal, and other purposes.

Order No. 45.

The People of the City and County of San Francisco do ordain as follows :

§ 1. The San Francisco City Water-Works, a company duly incorporated according to the laws of this state, and their successors and assigns, shall be allowed to introduce pure fresh water, for fire, municipal, and other purposes, into the city and county of San Francisco, through any lands claimed as belonging to the city and county of San Francisco, and to conduct water from a dam, to be constructed near the mouth of "Lobos Creek," so called, by means of a suitable aqueduct of sufficient capacity to carry all the water of said stream, commencing at a point near the mouth of said creek; thence, following along near the shore of the bay, to some suitable point at North Beach, near the foot of Taylor street, at, or near which point, the said company shall build a reservoir of not less than two millions of gallons capacity; and the said works shall be forfeited to the city and county of San Francisco, if not completed as specified in this section, within one year from the passage of this order, unless the progress of the work be suspended by law; in which case an additional time shall be allowed to said company, equal to the period during which the progress of the work may have been suspended as

Order No. 46. aforesaid; *Provided*, said company shall use all due diligence in relieving themselves from such legal impediments.

§ 2. Said company shall, from the said point at the North Beach, in said city and county, by suitable and sufficient machinery and pumps, elevate the water, hereby authorized to be introduced into the said city and county, into a distributing reservoir, constructed at an elevation of not less than one hundred feet above the base line of the city grade of streets. Said reservoir shall be of brick and cement, and of sufficient capacity to contain not less than four millions of gallons; also, a third reservoir shall be begun, and completed within the same time as the second reservoir; to be constructed at an elevation sufficiently high to supply the inhabitants west of Stockton street, and not less than two hundred feet above the base of city grades, and of not less than two millions of gallons capacity; and the said company shall connect with said reservoirs suitable iron pipes, to be by them laid down through the streets and alleys of said city and county, under the direction of the board of supervisors, capable of supplying and discharging not less than two millions of gallons of water every twenty-four hours; the strength, size, and capacity whereof shall be such as are required by the rules and regulations adopted by the Croton Water-Works, in the city of New York, for like services; *Provided*, that a main shall be connected to the first-mentioned distributing reservoir, extending through such streets as shall be necessary, to Market street, within two years from the passage of this order, unless the progress of the work be suspended by law; in which case additional time shall be allowed to said company, equal to the time during which the progress of the work may have been suspended, as aforesaid; *Provided*, that said pipes shall be so laid down as not to interfere with or obstruct any gas or water-pipes of other parties, laid down by authority of law; and said company shall, within the time prescribed in this section, be prepared to distribute at least two hundred thousand gallons of water daily.

§ 3. All the streets, alleys, or public places, along or through which the distributing pipes for conducting said fresh water may be laid, shall be, in all cases, placed in like order, by said company, as the same were before such pipes were laid down; and such replacing and relaying shall be done under the supervision of the superintendent of streets and highways, and to his satisfaction.

§ 4. The said city and county, under the direction of the board of supervisors, shall be entitled to the free use of the water so introduced, for the purpose of extinguishing fires, and for the supply of all hydrants, fire-plugs, pumps, and cisterns, and for all the public purposes of said city and county, except for sprinkling the streets; and the said city and county shall have the right, under the direction of the board of supervisors, to tap the pipes, and connect the same with hydrants, fire-plugs, pumps, cisterns, and other public works, at such places as they may deem proper.

§ 5. The rates to be charged for the use of water, shall be established by the board of supervisors, and the rates so fixed, for the first five years after the introduction of water, as provided in section two, shall be calculated to produce a gross revenue of twenty-four per centum per annum upon the actual cash capital invested, and thereafter, such as will produce a gross revenue of

twenty per centum per annum; such rate may, if necessary for this purpose, be established quarterly during the first year, and yearly thereafter. At the expiration of twenty years from the passage of this order, should the city and county not have repaid the cost of said work, as provided in sections six and seven, prior to that time, then the said water-works, with all the dams, flumes, aqueducts, pipes, buildings, engines, reservoirs, and appurtenances, and the revenues arising therefrom, shall absolutely, and without any condition, revert to the city and county of San Francisco. And if, in any year, the revenues shall exceed the per centage allowed in this section for that year, such surplus shall be paid into the treasury of the city and county, for a sinking fund towards the repayment of the cost of said works; but in no case shall the provisions of this section be so construed as to guarantee to said San Francisco City Water-Works any part of said revenue. Order No. 46.

§ 6. At the expiration of two years from the introduction of said water into the city and county, as provided in section one, as aforesaid, and at any time thereafter, by giving thirty days' notice, said city and county shall have the right to reimburse to said company the value of said water-works, at a valuation to be made as hereinafter provided; and said city and county shall thereupon receive possession and control of said water-works, and of all revenues arising therefrom.

§ 7. Said valuation shall be determined by a board of commissioners, to be elected as follows: three by the board of supervisors, and three by the San Francisco Water-Works; and, in case the six cannot agree to the valuation, then, in that case, the six shall agree upon another person, and he shall become a member of said board. The decision of the majority, so acting, shall be final. The valuation shall not exceed the actual cash capital invested, from which such deduction shall be made as may be necessary for the actual wear and tear of such portions as are made of perishable material, employed in the construction of the work, with legal interest, if purchased within three years; or, after three years, at an actual valuation not exceeding the cash capital invested in the construction thereof, without interest; nor shall the decision be binding upon said city and county until afterwards approved by the said board of supervisors.

§ 8. It is hereby provided that, should any other company, person, or persons, receive permission to introduce water for the purpose of supplying the said city and county therewith, no more favorable terms shall be granted to such company or persons than to the company authorized under this order, without extending the same terms to the San Francisco City Water-Works.

§ 9. The books and papers of the San Francisco City Water-Works shall at all times be open to the inspection of a committee authorized by the board of supervisors and to the president thereof; and the officers of the said San Francisco City Water-Works may be examined, under oath, touching the receipts and expenditures of said company. The books of the company shall show the actual expenditures and receipts, and the construction account shall be kept distinct from the cost of operating the said works.

Order No. 46. § 10. This order shall not be construed or understood as leasing or conveying to the San Francisco City Water-Works any right, title, or interest, in or to the waters, lands, or ways, mentioned in this order, and to which said city and county claim title, but shall be understood and construed as a contract with, and employment of, the said San Francisco City Water-Works, to bring the water claimed as belonging to the city and county, through the lands and streets of said city and county, into the city and county, as aforesaid, for protection against fire, and for other public uses authorized by law; and the city and county of San Francisco hereby specially reserves all her right, title, interest, property, and estate, in said waters, lands, and ways; and it is further understood that, the said company does not, by any provisions herein contained, estop itself from asserting hereafter, against said city and county, any title, right, or interest, which it may now have in the said water and lands. And, in case the said city and county elect hereafter to reimburse to said company the cost of said works, so much, or such part of the sources of water, right of way, and land damages, as shall at that time be the property of said city and county shall not be included in the estimate of cost or valuation; and it is expressly understood that the said city and county shall not, at any time, unless by operation of law, during said term of twenty years, molest or interfere with the said San Francisco City Water-Works, the progress of said works, or the collection of the rents, unless said city and county should sooner repay the said company the cost of said works as hereinbefore provided.

§ 11. The said company shall furnish, at their own expense, for the use of the city and county, a "marble fountain," to cost not less than two thousand dollars, nor more than two thousand five hundred dollars, and erect the same, under the direction of the board of supervisors, in the public plaza of San Francisco, and shall furnish a suitable supply of water for the same, free of charge; said fountain to be used on Sundays and on all public occasions, and on such other days as shall not interfere with the supply of water for other purposes. The water, after being used by said fountain, may be conducted, by said company, to any portion of said city and county, as may be required by said company for their use.

§ 12. If the said San Francisco City Water-Works shall fail to comply with any of the provisions of this order, or shall have failed to complete said works to the extent, and within the time prescribed in section two of this order, then, in that case, all the rights granted under this order, and all the works of said company, shall revert, absolutely and without conditions, to the city and county of San Francisco; and the said San Francisco City Water-Works shall be prohibited thereafter from exercising or enjoying any of the rights or privileges granted in this order.

§ 13. The said company shall be required to supply the city and county hospital, at the foot of Stockton street, with pure fresh water, free of charge, as soon as the same can be supplied from the second reservoir.

[In the board of supervisors, August third, one thousand eight

hundred and fifty-seven, finally passed by unanimous vote. Absent, Supervisors Wilson, Roberts, and Merritt.

MIL0 CALKIN, Clerk.]

[Approved, San Francisco, August sixth, one thousand eight hundred and fifty-seven.

E. W. BURR, President Board of Supervisors.]

Be it therefore enacted, that the said order number forty-six, above named and recited, be, and the same is hereby, ratified and confirmed, and declared legal and valid, according to the terms and conditions therein named; *Provided*, that nothing herein shall be so construed as to impair any existing rights of the Mountain Lake Water Company. Order No. 46
ratified.

CHAP. XCVI.—*An Act to repeal in part an Act entitled "An Act concerning Hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa," approved March twenty-sixth, one thousand eight hundred and fifty-seven.*

[Approved March 20, 1858.]

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

SECTION 1. An act entitled "an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa," approved March twenty-sixth, one thousand eight hundred and fifty-seven, is hereby repealed, so far as the same relates to the county of Sonoma. Act repealed.

CHAP. XCVII.—*An Act supplementary to and amendatory of "An Act defining the duties of State Librarian, and prescribing rules for the government of the State Library," passed April ninth, one thousand eight hundred and fifty.*

[Approved March 20, 1858.]

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

SECTION 1. The act entitled "an act defining the duties of State Librarian, and prescribing rules for the government of the state library," is hereby amended by addition of the following section :

Section nine—The said Librarian shall cause the library to be kept open from ten, A. M., to four, P. M., daily, Sundays and holidays excepted; and during the sessions of the Legislature, the said library shall be kept open every day, from ten, A. M., to four, P. M., and from seven, P. M., to ten, P. M., unless otherwise ordered by concurrent resolution of both Houses. Librarian's
duties.

CHAP. XCVIII.—*An Act amendatory of "An Act to incorporate a State Agricultural Society, and appropriate money for its support," approved May thirteenth, one thousand eight hundred and fifty-four.*

[Approved March 20, 1858.]

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

SECTION 1. Section eight of said act is hereby amended to read as follows: There is hereby appropriated, from any money in the treasury not otherwise appropriated, the sum of five thousand dollars annually, from and after May thirteenth, one thousand eight hundred and fifty-eight, for the space of five years, to be paid on the first day of June, in each year, to the treasurer of said society, on a requisition on the Treasurer of this State, signed by the president and recording secretary of said society, which said sum shall be used only for the purpose of paying premiums, and for no other purpose whatsoever. And it shall be the duty of the recording secretary to make a statement, annually, of all the receipts, and stating definitely from what source such receipts were derived; also a tabular account of all expenditures, specifying for what purposes such expenditures have been made; also the amount of money in the hands of the treasurer at the time of making such statement, and forward copies of the same] to the Governor of the State, to be by him transmitted to the Legislature, with the documents accompanying his annual message; and the entire transactions of the society to be printed in a separate volume, for the use of the members of the Legislature and of the said agricultural society.

SEC. 2. Sections three, four, six, seven, nine, and ten, of said act are hereby repealed.

CHAP. XCIX.—*An Act authorizing the Sierra Nevada Lake Water and Mining Company, to change its principal place of business.*

[Approved March 20, 1858.]

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

SECTION 1. The Sierra Nevada Lake Water and Mining Company shall be, and hereby is, authorized to change their principal place of business from Downieville, Sierra county, to Forest City, or to such other place situated within ten miles of the main trunk of their line of canal or flume, as the trustees at the time being, or the shareholders, may deem most convenient; *Provided*, such change shall be first determined on and decided by a vote of two-thirds of the trustees, or a majority of the whole of the votes of the shareholders of the company; *And provided, also*, that at least one month before making such removal or change, the trustees shall file with the recorder of the county from which the change shall be made, a notification thereof, and cause the

same to be advertised in three successive issues of a newspaper published in the county from which such removal shall be made.

CHAP. C.—*An Act to change the Name of Termann Christian Hwass to Francis Williams.*

[Became a Law by operation of the Constitution, March 24, 1858.]

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

SECTION 1. The name of Termann Christian Hwass is hereby ^{Name} changed to Francis Williams. _{changed.}

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CI.—*An Act fixing the Salary of the District Judge of the First Judicial District.*

[Became a Law by operation of the Constitution, March 24, 1858.]

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

SECTION 1. From and after the first day of January, one ^{Salary.} thousand eight hundred and fifty-nine, the salary of the district judge of the first judicial district shall be at the rate of five thousand dollars a year.

SEC. 2. All parts of laws inconsistent herewith, are hereby repealed.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CII.—*An Act to audit the Claim of Augustus Ainsa.*

[Became a Law by operation of the Constitution, March 24, 1858.]

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

SECTION 1. The claim of Augustus Ainsa, for the sum of four ^{Claim aud'd} hundred and sixty-seven dollars and fifty-five cents, for trans-

lating the laws into the Spanish language, for the year one thousand eight hundred and fifty-six, is hereby audited and allowed.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CIII.—*An Act to amend section twenty of an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.*

[Became a Law by operation of the Constitution, March 24, 1858.]

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

SECTION 1. Section twentieth of an act entitled "an act to regulate proceedings in civil cases in the courts of justice of this state," passed April twenty-ninth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows :

Civil cases to
be tried at
defendant's
residence.

Non-resid'ce.

Proviso.

Section twenty—In all other cases, the action shall be tried in the county in which the defendants, or any one of them, may reside at the commencement of the action; or, if none of the defendants reside in the state, or, if residing in this state, the county in which they so reside be unknown to the plaintiff, the same may be tried in any county which the plaintiff may designate in his complaint; and, if any defendant or defendants may be about to depart from the State, such action may be tried in any county where either of the parties may reside or service be had; subject, however, to the power of the court to change the place of trial as provided in this act.

SEC. 2. This act shall take effect from and after the first day of April, one thousand eight hundred and fifty-eight.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CIV.—*An Act to release B. S. Gray from Liabilities to the State of California.*

[Became a Law by operation of the Constitution, March 24, 1858.]

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

Bond release'd

SECTION 1. B. S. Gray is hereby released and discharged from any and all liabilities arising out of a certain bond or undertak-

ing, bearing date the nineteenth day of January, one thousand eight hundred and fifty-six, payable to the people of the state of California, and conditioned to secure the appearance of George W. Tenbrook to answer an indictment in the court of sessions of the county of Sacramento, found on the fourth day of January, A. D. one thousand eight hundred and fifty-six.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CV.—*An Act to amend an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to incorporate the City of Sacramento."*

[Approved March 24, 1858.]

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

SECTION 1. Section twenty-one of said act is amended so as to read as follows: The first election for city officers, under this act, shall take place on the first Monday in May next, and they shall hold office until the first Monday of April, one thousand eight hundred and fifty-two, or until their successors are qualified. All subsequent general elections for city officers shall be held on the first Monday of May in each year, and they shall hold office for the term of one year, or until their successors are qualified.

CHAP. CVI.—*An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.*

[Approved March 25, 1858.]

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

SECTION 1. Section twenty-fifth of said act is hereby amended so as to read as follows:

Section twenty-five—The district judge shall, at all reasonable times, when not engaged in holding courts, transact such business at their chambers as may be done out of court at chambers; they may try and determine writs of *mandamus*, *certiorari*, and *quo warranto*; hear and dispose of all motions and applications for new trials, and all orders and writs which are usually granted in the first instance upon an *ex parte* application, and may, in their discretion, also hear applications to discharge such orders and writs.

CHAP. CVII.—*An Act to amend an Act to authorize a Special Term of the District Court to be held in the County of Butte, and to fix the Time for holding said Special Term, approved March sixth, one thousand eight hundred and fifty-eight.*

[Approved March 25, 1858.]

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

Act repealed. SECTION 1. Section third of said act is hereby repealed.

CHAP. CVIII.—*An Act to legalize certain Conveyances made by the Commissioners of the Sinking Fund of the City of San Francisco.*

[Approved March 25, 1858.]

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

Commissioner
sales legal.

SECTION 1. That all the sales at auction made *bona fide* by the commissioners of the sinking fund of the city of San Francisco, on the twenty-fifth day of January, one thousand eight hundred and fifty-one, by virtue of ordinance number forty-nine of the city council, approved the twenty-third day of August, one thousand eight hundred and fifty, on which the purchase money has been to the said commissioners, and for which deeds or conveyances of land, within the then corporate limits of the city of San Francisco, have been made and signed, sealed, and delivered, by John W. Geary, Benjamin L. Berry, Talbot H. Green, William Hooper, and James King of William, the said commissioners of the sinking fund, and recorded in the office of the county recorder of San Francisco county, be, and the same are hereby, confirmed, legalized, and made good, effectual, and binding.

CHAP. CIX.—*An Act empowering the Governor of this State to pardon one Cyrus W. Deable.*

[Approved March 25, 1858.]

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

Pardon.

SECTION 1. The Governor of this State is hereby authorized to pardon one Cyrus W. Deable, an escaped convict, who was sentenced in the county of El Dorado, in August, one thousand eight hundred and fifty-five, to imprisonment in the state prison for the term of three years; *Provided*, he may deem it necessary for the purposes of public justice; and he is hereby authorized to grant such pardon immediately after the passage of this act, without application or notice such as is required by the act of May eighteenth, one thousand eight hundred and fifty-three, prescribing the manner of pardons.

CHAP. CX.—*An Act amendatory of and supplementary to an act to incorporate the Town of Columbia, in the County of Tuolumne, approved April ninth, one thousand eight hundred and fifty-seven.*

[Approved March 25, 1858.]

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

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

SECTION ONE—The inhabitants of Columbia, Tuolumne county, ^{City of Columbia.} residing within the bounds hereinafter described, are hereby declared to be incorporated, under the style and name of “The City of Columbia;” and by that name they shall have perpetual succession, and may sue and be sued; and may purchase, receive, hold, and possess property for their common benefit, and may sell, or otherwise dispose of the same.

SEC. 2. Section second is amended so as to read as follows :

SECTION TWO—The boundaries of said city shall be as follows: ^{Boundaries.} Commencing at a post west of the Catholic church, and near to the road leading to Springfield, and running thence north five-eighths of a mile over the Old Columbia Gulch, along the western slope of Gold Hill to a post near the Gold Spring road; thence east five-eighths of a mile to a post in Corral Gulch; thence south five-eighths of a mile to a post on the hill towards San Diego; and thence five-eighths of a mile to the place of beginning.

SEC. 3. Section third is amended so as to read as follows :

SECTION THREE—The corporate powers and duties of said city shall be vested in a board of trustees, to consist of five members, ^{Board of trustees.} who shall be residents of the city, and qualified electors therein, who shall be elected by the qualified electors of said city on the second Monday of May, in each year, and shall hold office for the term of one year, and until their successors are elected and qualified. Before entering upon the discharge of their duties, which they shall do within ten days, they shall take and subscribe the oath of office prescribed by law, and shall, within five days thereafter, elect by ballot one of their own number, who shall be president of the city council; and may elect, and remove at pleasure, a city clerk, and fix his compensation, the same not to exceed twenty dollars per month; *Provided*, that the trustees, now recognised as such, be, and they are hereby, empowered to continue in office, with full power and authority under this act, until the election for trustees on the second Monday of May next.

SEC. 4. Section four is amended so as to read as follows :

SECTION FOUR—There shall also be elected on the said second Monday in May of each year, and in the same manner, a city marshal, a treasurer, and assessor, who shall likewise hold office for one year, and until their successors are elected and qualified. ^{City officers} They shall, before entering upon their duties, take and subscribe the oath of office as prescribed by law. Their duties shall be defined by the trustees, and they shall give bonds for the faithful discharge of the duties of their offices, and receive such compensation for their services as the trustees may from time to time direct; *Provided*, that the salary of the treasurer shall not exceed ^{Salary.}

the sum of fifty dollars per annum ; the salary of the assessor the sum of one hundred dollars per annum, and the salary of the marshal the sum of seventy-five dollars per month, exclusive of such fees as he may receive in his capacity of peace officer, and his allowance of seven per cent. upon all licenses and taxes by him collected and accounted for in accordance with the provisions of this act ; *Provided*, that the marshal, treasurer, and assessor, now recognized as such, shall be continued in office until the election provided to be held on second Monday in May next.

SEC. 5. Section five of said act is amended so as to read as follows :

Powers of trustees.

Section five—The board of trustees shall have power to open, alter, extend, establish, pave, grade, gutter, or otherwise improve, and regulate, streets, lanes, and alleys ; *Provided*, that no street shall be graded, paved, or guttered, except at the solicitation of a majority of the lot-owners on said street or section of street proposed to be graded, paved, or guttered, and that the expense thereof shall be apportioned to and paid by the several lots adjacent to such improvements, according to the number of feet in front they shall severally contain ; to regulate and establish the grade and width of sidewalks and public crossings, and prevent obstructions in or upon the same ; to construct and keep in repair bridges ; to erect any public buildings, reservoirs, or aqueducts, for the use of said city, and raise money by tax to erect or construct the same with ; which money, so to be raised,

Tax.

shall be assessed upon and collected from the inhabitants of said city in the same manner as other taxes are assessed and collected ; *Provided*, that no taxes shall be collected, or moneys raised, assessed, or collected, for erecting any public buildings, reservoirs, or aqueducts, or for repairing the same without the consent of the legal voters, expressed by ballot at a special election called by the trustees for such purpose ; to open and establish public squares, burial-grounds, and construct flumes or aqueducts for drainage and relieving the streets and thoroughfares of the city from water ; and to prevent and restrain the running of water for private purposes, by individuals or private associations, over or through the same. They shall have power to organize and support common schools and academies ; to make regulations for securing the health, cleanliness, ornament, peace, and good order of the city ; and, in the event of an epidemic or contagious disease, to appoint a board of health, to consist of not less than seven members, and a competent physician to be the health officer thereof, all of whom shall serve without fee or compensation ; and to make regulations for preventing and extinguishing fires ; and shall organize and control the fire department ; and may divide the city into two or more wards, and establish the boundaries thereof. They shall have power to levy and collect taxes,

Board of health.

Powers.

not exceeding one per cent. per annum, on the assessed value of the real and personal property of the city, for defraying the ordinary expenses of the city, and for the support of free schools ; *Provided*, one-fourth, at least, of such tax so raised shall be appropriated to the support of such schools ; to license exhibitions, theatres, circus companies, shows, amusements, bowling-alleys, and billiard-tables, saloons, bars, and drinking-places, auctions, bankers, peddlers, pawnbrokers, raffles, and lawful games, and to sup-

prass all occupations, places, houses, and exhibitions, which are against good morals and contrary to public order and decency; to regulate and prevent slaughter-houses, to remove and abate nuisances, and to prevent and restrain riots or disorders; to prohibit the running at large, within the corporate limits of the city, of all cattle, goats, sheep, hogs, or other animals, and to impound and sell the same, after public notice of ten days, unless the fees and expenses on the same are paid by the owners or claimants; and, if sold, any balance remaining over and above the fees and expenses and costs of sale shall be paid to the owner or claimant thereof; to prohibit and restrain the running at large of dogs, and to license the keeping of the same, and cause to be destroyed all dogs found at large upon which the license has not been paid; and, if any party shall neglect, refuse, or fail, to pay any license provided for under this act, in such sum or sums as the city trustees shall, by ordinance, establish, the same may be recovered of them by suit in the name of the city, before any court of competent jurisdiction, together with all costs of suit.

Animals at large.

SEC. 6. Section six of said act is amended so as to read as follows:

Section six—The trustees shall have power to levy and collect a road-tax of three dollars from every male person of lawful age residing within, transacting business, or pursuing any profession, trade, or occupation, within the limits of the city, which said road-tax shall be collected on and after the first Monday in June of each year, and may be recovered by suit in the name of the city, before any court of competent jurisdiction, with all costs of suit, which shall be specially used, in equal sums, for the support of free schools, and for the improvement of the streets in the city or the thoroughfares leading thereto; and no other road-tax, for any purpose whatever, shall be levied upon or collected of the citizens of said city.

Road-tax.

SEC. 7. Section seven is amended to read as follows: All elections and returns under this act shall be regulated in the same manner as is prescribed in the act providing for elections in this state. The trustees shall have power to appoint judges and inspectors of elections; to provide for their compensation, which shall in no case exceed the sum of three dollars per day; and to judge of the correctness of election returns and determine contested elections. Whenever any vacancy shall occur from death, removal, or from any other cause, in the board of trustees or city officers, the trustees shall, if the unexpired term exceeds the period of six months, order an election to fill the vacancy, giving at least five days' public notice of said election, and appointing the judges and inspectors thereof. If the unexpired term be less than six months, the trustees may proceed to fill the vacancy by appointment. If any person fail to pay any tax levied upon his or her real or personal property, the city marshal, who shall be *ex officio* collector of city taxes, may recover the same, by suit in the name of the city, before any court of competent jurisdiction, together with all costs of suit, or may enforce the collection of such taxes by seizing and selling the property of the party delinquent, in the mode prescribed by law for the collection of state and county taxes; and any property so sold shall be sold subject to all the provisions, and the officers so selling

Elections.

Vacancies.

Marshal.

- shall have all the rights and be subject to all the duties prescribed by law for the collection of state and county taxes. He shall make monthly report to the board of trustees of all moneys by him received, and from what sources received, and the amount so reported shall be entered upon the minutes of the meetings when made. The trustees shall have power to make by-laws and ordinances not repugnant to the constitution of this state, and the enacting clause to such ordinances shall be in the following words: "The inhabitants of the city of Columbia, represented in the city council, do enact as follows:" and may impose fines, penalties, and forfeitures, for breaches of ordinances, and appropriate the proceeds thereof; *Provided*, that all ordinances and by-laws passed by the trustees shall be published in one or more newspapers published in the city, and shall be signed by the president or acting president of the city council, and by the city clerk, and recorded in the city records; *And provided, further*, that no fine be imposed exceeding two hundred dollars, for any one breach of any ordinance, and no offender imprisoned over sixty days for any one offence. All fines, penalties, and forfeitures, to be collected by suit, to be instituted by the trustees or city marshal, in the name of the city, before any justice of the peace or any court of competent jurisdiction; such fines and forfeitures to be placed to the credit of the city with the city treasurer. And, for any money received as aforesaid, any officer may be preceeded against upon his bond, in the name of the corporation, in the manner authorized by law, in case of the failure of any officer to pay over moneys collected; and it shall be unlawful for the trustees to incur or create a debt which, singly or in the aggregate, shall at one time exceed the sum of three thousand dollars.
- Report.**
- Fines.**
- Justices.** SEC. 8. The justice or justices of the peace within the said city shall be conservators of the peace therein, and shall have jurisdiction in all civil and criminal cases arising under this act not inconsistent with their jurisdiction as defined by law.
- Statement of moneys.** SEC. 9. The president of the board of trustees shall, on the first day of August, November, February, and May, in each year, make out a full and correct statement of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose expended during the three months next preceding, and shall, within ten days thereafter, cause such statement to be published in one of the newspapers printed in said city; and if the president of said board of trustees shall omit or neglect, for the space of thirty days after he is required by this act so to do, to make out and cause to be published such statements as he is above required to prepare and publish, he shall be deemed guilty of a misdemeanor, and may be fined not less than one hundred dollars nor more than five hundred dollars.
- Meetings.** SEC. 10. The meetings of the board of trustees shall be public, and shall be held on the first and third Wednesdays of each month, and at such other times as the trustees may direct. Their clerk shall keep full and correct minutes of all their proceedings; shall record the name of every trustee present at any meeting, and shall attest all drafts upon the treasury. His official records shall at all times be open to public inspection. At

the meetings of the board, a majority of the trustees shall constitute a quorum to do business, but no tax shall at any time be levied, except by vote of a majority of the entire board.

SEC. 11. The treasurer shall receive and safely keep all moneys that may come into his hands as treasurer of the city, and shall pay over the same on the draft of the president of the board of trustees, countersigned by the clerk. He shall, also, on the first days of August, November, February, and May, in each year, make out and submit to the board of trustees a full and complete report of all the receipts and disbursements which have occurred during the three months next preceding said report. Treasurer.

SEC. 12. The assessor shall, within the month of July in each year, prepare a full and complete assesment roll of all the taxable property, both real and personal, within the city, which he shall verify under oath, and submit, on or before the first Monday in August, to the board of trustees, who shall thereafter sit for at least three times, upon three different days, as a board of equalization, for the regulation of assessments made by the said assessor; and for a longer period than three days, if, in their opinion, the wants of property-holders for such equalization shall render it necessary. Assessor.

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

CHAP. CXI.—*An Act to amend an Act entitled an Act concerning the the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, one thousand eight hundred and fifty-seven.*

[Approved March 25, 1858.]

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

SECTION 1. Section five of an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March thirty-first, one thousand eight hundred and fifty-seven, is hereby amended so as to read as follows :

Section five—The judge of the fifteenth judicial district shall hold, in each of the counties of said district, three terms of his court each year, except in the county of Butte, in which there shall be four terms, commencing as follows: In the county of Colusa, on the first Monday of January, the fourth Monday of May, and the second Monday of August; in the county of Tehama, on the first Monday of March, June, and September; in the county of Butte, on the third Monday of January, the first Monday of May, the fourth Monday of August, and the second Monday of November; and in the county of Plumas, on the second Monday of April, July, and October. Fifteenth district.
Terms.
Colusa,
Tehama,
Butte,
Plumas.

CHAP. CXII.—*An Act to amend an Act entitled "An Act concerning Forcible Entries and Unlawful Detainers," passed April twenty-second, one thousand eight hundred and fifty.*

[Approved March 26, 1858.]

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

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

Appeal from
verdict.

Section sixteen—If either party shall feel aggrieved by the verdict of the jury, or decision of the justice, he may appeal within ten days, as in other cases tried before justices of the peace ; and he shall give bond, with two or more sufficient sureties, to be approved by said justice, conditioned to pay all costs of such appeal, and abide the order the court may make therein, and pay all rent and other damages justly accruing during the pendency of such appeal ; and upon the filing of the notice of appeal and the affidavit of the appellant that the appeal is taken in good faith, and that he intends to perfect said appeal, the justice shall grant a stay of the writ of restitution for not exceeding two days, for the purpose of allowing the appellant an opportunity to file his appeal bond, and for no other.

CHAP. CXIII.—*An Act amendatory of "An Act concerning Offices," passed April twenty-eighth, one thousand eight hundred and fifty-one.*

[Approved March 26, 1858.]

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

Act repealed.

Section one of an act entitled "an act concerning offices," passed April twenty-eighth, one thousand eight hundred and fifty-one, so far as it provides for the election of two justices of the peace and two constables in the city of Sonora, Tuolumne county, is hereby repealed.

CHAP. CXIV.—*An Act to provide for funding the Debt of San Joaquin County that may be outstanding on the first day of July, A. D. one thousand eight hundred and fifty-eight, and not heretofore funded.*

[Approved March 26, 1858.]

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

Moneys
appropriat'd.

SECTION 1. All moneys paid to San Joaquin county, or to its treasury or treasurer, for the use and benefit of the county, on and after the first day of July, A. D. one thousand eight hundred and fifty-eight, shall be and the same are hereby appropriated to the payment of the expenses and disbursements of the county of San Joaquin accruing on and after that date, and are not to be

applied to nor for any other purpose except such as are specifically required by law to be otherwise applied.

SEC. 2. The income and revenue of said county of San Joaquin, of every nature and description whatever, shall be and the same is exempt from attachment, execution, and proceedings supplemental to execution. Revenue.

SEC. 3. No order, warrant, or scrip, heretofore drawn, or that may hereafter be drawn on the county treasurer, and payable out of the county revenue or funds of any kind, shall be received in payment of county taxes, or other dues, fines, or forfeitures, accruing to the county, except from the person in whose favor it was drawn; but shall be subject to redemption only in the order in which it stands registered or noted in the treasurer's book. Warrants.

SEC. 4. The supervisors of San Joaquin county are hereby authorized to fund all outstanding indebtedness of the county of San Joaquin, which shall have accrued prior to the first day of July, A. D. one thousand eight hundred and fifty-eight, and then remaining unpaid, and which has not been heretofore funded, by issuing bonds in payment thereof, payable in not less than five, nor more than ten years, bearing interest at the rate of ten per cent. per annum, the interest payable semi-annually, which bonds are to be issued in accordance with the provisions of this act. Indebtedness to be funded.

SEC. 5. On or before the first day of July, A. D. one thousand eight hundred and fifty-eight, the board of supervisors of said county shall cause to be made out bonds for the amount of said indebtedness. The said bonds to be in the sums of not less than fifty dollars, nor more than one thousand dollars. Every holder of county warrants or scrip (not bonds) issued on indebtedness of the county which shall have accrued prior to the first day of July, A. D. one thousand eight hundred and fifty-eight, may present the same to the board of supervisors of said county, within six months from and after the said first day of July, A. D. one thousand eight hundred and fifty-eight, in order that the same may be canceled; and bonds to the amount of said warrants or scrip, with the interest due thereon, may be issued in lieu thereof, by the board of supervisors, to the holder. It shall be the duty of said board of supervisors to issue, as herein contemplated, bonds for the amount of said warrants or scrip; said bonds to be styled "bonds of San Joaquin county," and to be signed by the chairman and clerk of the said board of supervisors, and countersigned by the county treasurer. It shall be the duty of the said board to cause all such warrants or scrip for which bonds shall be issued, as herein provided, to be canceled immediately after issuing bonds therefor. Bonds.
To be styled.

SEC. 6. For the purpose of paying the interest on the bonds so issued, and also to constitute a sinking fund for the gradual redemption of the same, it shall be the duty of the board of supervisors of said county to cause to be levied and collected a special tax on all real and personal property within the county, which shall not be less than ten cents nor more than twenty cents on each one hundred dollars' valuation of such real and personal property; such tax to be assessed and collected, in the legal currency of this state, at the same time and in like manner as are assessed and collected state and county taxes for other purposes; and the amount of taxes so collected shall be applied only to the Sinking fund
Special tax.

purpose of paying the interest and principal of the bonds authorized to be issued by this act, until the same shall be fully paid; *Provided*, that nothing herein contained shall be so construed as to prevent the board of supervisors from levying the interest tax contemplated in this act, at any time subsequent to the first Monday in March, one thousand eight hundred and fifty-eight; and such tax, so levied, shall have the same force and effect as if levied previous to said date.

Interest. SEC. 7. The interest on said bonds shall be paid at the treasurer's office, on the first Monday of January, A. D. one thousand eight hundred and fifty-nine, and thereafter semi-annually, on the first Monday of July and the first Monday of January, of each year.

Record. SEC. 8. It shall be the duty of the county treasurer and clerk of the board of supervisors, each, to keep a correct record of all bonds issued under the provisions of this act, showing the number, date, the amount of each, and to whom issued.

Redemption of bonds. SEC. 9. On the first day of January of each year, when there shall be as much as five hundred dollars in the county treasury, collected by the provisions of this act, over and above the interest due on such first of January and July next, it shall be the duty of the county treasurer to advertise in some public newspaper in the city of Stockton, for ten days, stating the amount of such surplus in the sinking fund, and inviting bids at such treasurer's office on a given day, specifying the hour, for proposals to redeem bonds by this act authorized to be issued. Such bidding shall be in public, and it shall be the duty of the treasurer to accept such bids, and in such amounts, the terms of which will be most advantageous to the county, and which will redeem the greatest amount of bonds with such surplus; and the same shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and canceled; but no bid shall be received at a higher rate than principal and interest.

Proposals. SEC. 10. The sheriff of the county, as *ex officio* tax collector, shall be allowed the same per centage, and no more, for collecting the special tax hereby authorized, as is allowed to him by law for collecting state revenues for general purposes.

Ex officio tax collector. SEC. 11. Each member of the board of supervisors, and the clerk of the board, as an extra compensation to them and the treasurer, shall be entitled to have allowed and audited to him the sum of six dollars for each day that he may be actually and necessarily engaged in funding said indebtedness, and in recording the bonds.

Compensat'n SEC. 12. Sections twelve and sixteen of the act entitled "an act to provide for funding the debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt," approved April twentieth, one thousand eight hundred and fifty-two, is hereby repealed.

Act repealed.

CHAP. CXV.—*An Act to authorize the Board of Supervisors of the County of Tehama to levy a Special Tax for building purposes, and to provide for the payment of the indebtedness of the County, contracted prior to March first, one thousand eight hundred and fifty-eight.*

[Approved March 27, 1858.]

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

SECTION 1. The board of supervisors of the county of Tehama ^{Special tax.} are authorized, and it is hereby made their duty, to levy, in addition to the taxes now authorized by law, a special tax, in each of the years A. D. one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, upon all property in said county subject to taxation, of fifty cents on each one hundred dollars; said tax shall be collected at the same time and in like manner as other taxes for county and state purposes are collected.

SEC. 2. One-half of the money received by the county treasurer, arising out of the taxes annually assessed and collected under the provisions of this act, shall constitute a building fund, to be appropriated by the board of supervisors of said county solely towards the building of a court-house for said county; and ^{Court-house.} the remaining one-half of the moneys arising from said tax shall be paid by the county treasurer in the liquidation of the outstanding warrants of said county issued and registered prior to the ^{Warrants.} first day of March, one thousand eight hundred and fifty-eight; and said warrants shall be paid by the county treasurer in the order in which the same were presented and registered on the books of the said treasurer.

SEC. 3. Whatever surplus moneys arising under the provisions of that part of this act applicable to the payment of the county indebtedness aforesaid, which may remain in the treasury of the county after the aforesaid indebtedness shall have been liquidated, shall be paid into and become a part of the aforesaid building fund. ^{Surplus.}

CHAP. CXVI.—*An Act to authorize Mary Latimer to sell or convey Real Estate.*

[Approved March 27, 1858.]

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

SECTION 1. On and after the passage of this act, it shall be lawful for Mary Latimer, of Yuba county, state of California, to sell, transfer, and convey, any real estate belonging to her in the state of California, and to execute, in her own name, and to acknowledge and deliver all deeds of conveyances, mortgages, and title bonds; and to do all and every other thing necessary thereunto in effecting a sale, mortgage, or delivery, of any real estate that does now or may hereafter belong to her. ^{Real estate.}

CHAP. CXVII.—*An Act to change the manner of paying Officers of Election in the County of Stanislaus.*

[Approved March 27, 1858.]

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

- Compensat'n SECTION 1. All persons who may act as judges, inspectors, or clerks of election, together with all persons who may convey the poll-books or election returns from the different precincts to the county seat in the county of Stanislaus, shall receive, as compensation for such service, whatever amount the board of supervisors of said county may allow ; *Provided*, that said board do not allow to any such inspector, judge, or clerk, a larger sum than two dollars *per diem* for such service ; nor to any messenger or carrier of election returns from any of the different precincts to the county seat, more than twenty-five cents per mile for every mile of necessary travel in going to said county seat.
- Claims. SEC. 2. All claims brought against said county, for services rendered in the capacity of judge, inspector, or clerk of election, or carrier of poll-books or election returns, shall be presented to the board of supervisors of said county of Stanislaus, within six months from the time of rendering such service, or they shall be barred.
- SEC. 3. This act shall take effect from the date of its passage.
- Act repealed. SEC. 4. All laws, and parts of laws, militating against the provisions of this act, are hereby repealed, in so far as their provisions affect the county of Stanislaus.

CHAP. CXVIII.—*An Act to fix the Terms of the Court of Sessions of the County Court of Trinity.*

[Approved March 27, 1858.]

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

- Terms. SECTION 1. A term of the court of sessions of Trinity county shall be held at the county seat of said county on the second Mondays in February, May, August, and November, in each year, and shall continue until the commencement of the next term, unless all the business of the court be sooner disposed of.
- Special term. SEC. 2. Whenever, in the opinion of the county judge of said county, the public interests shall require a special term of said court to be held on a day other than those named in the preceding section, he may, by order, direct the same, and said court, at such special term, shall be, and it is hereby, vested with all powers now by law vested in such court at regular terms, and the proceedings thereof shall have the like force and effect as if had at a regular term.
- Act repealed. SEC. 3. All acts and parts of acts in conflict with this act, so far as they conflict, are hereby repealed. This act shall take

effect, and be in force from and after the first day of May, A. D. one-thousand eight hundred and fifty-eight.

CHAP. CXIX.—*An Act to fix the Terms of the Probate Court in the County of Contra Costa.*

[Approved March 27, 1858.]

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

SECTION 1. The terms of the probate court in the county of Contra Costa, shall commence on the fourth Monday of every month, and may continue one week. The judge of said court may hold a special term at any time for the transaction of probate business. Contra Costa probate court

SEC. 2. So much of an act entitled "an act fixing the time of holding the several courts authorized to be held by the county-judge in the county of Contra Costa," approved March first, one thousand eight hundred and fifty-five, as conflicts with this act, is hereby repealed. Act repealed.

CHAP. CXX.—*An Act to give to the Proceedings of Courts of Probate the same effect as Courts of general jurisdiction.*

[Approved March 27, 1858.]

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

SECTION 1. That the proceedings of the courts of probate, within the jurisdiction conferred on them by the laws, shall be construed in the same manner, and with like intendments, as the proceedings of courts of general jurisdiction; and that the records, orders, judgments, and decrees, of the said probate courts, shall have accorded to them like force and effect, and legal presumptions, as the records, orders, judgments, and decrees of the district courts. Proceedings legalized.

SEC. 2. This act shall take effect only upon proceedings had or taken after its passage.

CHAP. CXXI.—*An Act for the relief of Purchasers at Sales of Real Estate by Public Officers.*

[Approved March 27, 1858.]

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

SECTION 1. Where lands have been or may hereafter be sold by a sheriff, or other authorized officer, for taxes, or under an execution or order of sale, and the purchaser or his assigns may be entitled to a deed, and the sheriff, or other officer, who made Sheriff's deed.

the sale, is dead, or absent from the state, or in any wise disqualified, it shall or may be lawful for the successor of the said sheriff, or other officer, to make such deed to such purchaser, his assignee or assignees, in the same manner, and with the same effect, as if made by the officer making such sale.

In case of death.

SEC. 2. When property has heretofore been sold by a sheriff or other authorized officer, for taxes, or under an execution or order of sale, and in consequence of the death, absence from the state, or other disqualification of the sheriff or other officer who made the sale, a deed for the property so sold has been executed to the purchaser or purchasers, or to his or their assigns, by the successor of such sheriff or other officer, such deed so made, as aforesaid, by the successor of the officer who made the sale, is hereby ratified and confirmed, and made as valid and binding, to convey the property, as though the same had been executed by the officer himself who made the sale; and such deed, so made and executed and acknowledged according to law, and heretofore recorded, shall impart notice of its contents from and after the date of the passage of this act.

Effect.

SEC. 3. Such deeds, so made as aforesaid, shall have the same force and effect, as evidence, as if made by the officer making such sale.

CHAP. CXXXII.—*An Act fixing the time of holding the Court of Sessions and County Court, in the Counties of Plumas and Shasta, and to change the manner of summoning Juries for the County Courts of said Counties.*

[Approved March 27, 1858.]

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

Terms.

SECTION 1. The courts of sessions and county courts, in and for the counties of Plumas and Shasta, shall hold a term on the first Monday of January, May, and September, of each year, and shall continue in session until the commencement of the next term, unless all the business of the courts be sooner disposed of.

Order of business.

SEC. 2. At said terms, the business pertaining to the courts of sessions shall first be disposed of; and after that, the business of the county courts, in the order in which said courts are named; this order shall be observed as a rule of precedence only; and after the business of one court is disposed of, the business of the other may be taken up on the same day, in such order as the judges may determine.

Special term.

SEC. 3. The county judge of either of said counties may call and hold special terms of said courts whenever, in his opinion, the public interest require the same.

Records.

SEC. 4. The records of each of the said courts shall be kept separately, as required by law.

Trial jury.

SEC. 5. The trial jury summoned for the courts of sessions, in said counties, shall be the trial jury for the county courts therein.

Repeal.

SEC. 6. All acts and parts of acts in conflict with the pro-

visions of this act, are hereby repealed so far as they relate to the counties of Plumas and Shasta.

CHAP. CXXIII.—*An Act to amend section twelve of "An Act to provide for the Incorporation of Towns," approved April nineteenth, one thousand eight hundred and fifty-six.*

[Approved March 27, 1858.]

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

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

Section twelve—The manner of making assessments and collecting town revenue shall be prescribed by ordinance. Real estate sold for taxes shall be sold to the person offering to pay the taxes and costs on the same, and who will take the real estate sold therefor, for the shortest period of time; and deeds made therefor shall be as effectual as if made by the sheriff under execution, to convey the property for the time specified in the deed.

CHAP. CXXIV.—*An Act to settle and fix the time allowed by law to the Tax Collector of the City and County of San Francisco, for the collection of taxes.*

[Approved March 27, 1858.]

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

SECTION 1. The time occupied in determining any and all injunction suits brought in the city and county of San Francisco, to prevent the sale of any real estate or personal property, to secure the collection of taxes assessed for the fiscal year of one thousand eight hundred and fifty-seven-eight, shall not be counted or estimated in the time allowed the tax collector of said city and county to perform his official duties as such collector; but he shall be allowed the full time allowed by law, after deducting all the time during which any injunction may be pending. The said tax collector may adjourn from day to day, or from time to time, until any such injunction suit or suits shall be finally determined; after which, in all cases where said injunction suits shall be dissolved, he may proceed to sell, in like manner as if said suit or suits had never been instituted, in all cases where the owner or owners do not tender to said collector all taxes and legal charges due thereon, on or before the time of sale; and all sales made after the final termination of any of said suits, shall have the same force and effect as such sales would have had, if no injunction suits had ever been instituted.

CHAP. CXXV.—*An Act conferring certain powers upon Guardians of Insane Persons.*

[Passed March 27, 1858.]

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

SECTION 1. Whenever any insane person shall have any claim for lands derived from Spanish or Mexican authorities, and such claim shall have been rejected by the commissioners to ascertain and settle private land claims in the state of California, the guardian of such insane person, appointed or to be appointed by the probate court or judge, shall have power to employ counsel, on behalf of such insane person, and on such terms as he may deem to the best interest of his ward, to prosecute such claim on appeal before the district court or the supreme court of the United States; and for that purpose he may sell and convey such portion of the land so claimed as may be necessary therefor, and to meet any necessary expenses that may be incurred in the prosecution of such claim. The deed of conveyance by the guardian shall be approved by the district judge of the district in which the land is situated, by his approval in writing endorsed thereon, and shall be effectual to pass the estate of the said insane person in and to the land so conveyed; *Provided*, that any contract so made with counsel for the prosecution of any such appeal, shall be first approved by the judge of the district court of the district in which the land lies, upon petition duly presented for that purpose by the guardian; *And provided, further*, no sale of land, for the purpose aforesaid, shall take place, without a similar approval by the district court aforesaid, upon a like petition of the guardian.

Claim for lands.

Counsel.

Deeds to be approved.

CHAP. CXXXVI.—*An Act making Appropriations for Delinquencies [Deficiencies] in Appropriations heretofore made, from January first, one thousand eight hundred and fifty-seven, to July first, one thousand eight hundred and fifty-eight.*

[Approved March 29, 1858.]

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

SECTION 1. That the following sums be, and the same are hereby, appropriated out of any money in the treasury not otherwise appropriated, for objects hereinafter expressed :

Governor. For salary of Governor, one hundred and thirteen dollars and twenty-two cents.

Controller. For salary of Controller, five hundred dollars.

Treasurer. For salary of Treasurer, twenty-six dollars and thirty-two cents.

Sec. of State. For salary of Secretary of State, nine dollars.

Q'r-master. For salary of Quartermaster General, one thousand dollars.

Clerks. For salary of clerks in Controller's office, seventeen hundred and twenty dollars.

Money appropriated.

Governor.

Controller.

Treasurer.

Sec. of State.

Q'r-master.

Clerks.

For salary of clerks in Secretary of State's office, seventy-six dollars and ninety-eight cents. Clerks.

For salary of judges of Supreme Court, four hundred and fifty-six dollars. Supreme judges.

For salary of judges of district courts, sixteen thousand dollars. District judges.

For salary of Governor's private secretary, ten dollars. Private sec'y

For support of insane asylum, five thousand one hundred and fifty dollars. Insane asylum.

For rent of Attorney General's office, forty dollars. Rent.

For pay of experts (examining printing accounts,) two hundred and forty-five dollars and eighty-one cents. Experts.

For stationery, fire, and lights, fifteen hundred dollars. Stationery.

For distributing laws, journals, and reports, through the post-office, ninth session, eight hundred and fifty dollars. Lands, etc.

For official advertising, twelve hundred dollars. Advertising.

For costs of suits where the state is a party, one thousand dollars. Suits.

For contingents in the office of Attorney General, three hundred dollars. Contingents.

For contingents in the office of Quartermaster General, one hundred and thirty-six dollars.

For contingents of Supreme Court, sixteen hundred dollars.

For pay of officers and clerks of the Senate, seven thousand dollars. Senate.

For contingents of Governor's office, fifteen hundred dollars.

For rent of Governor's office, fifty dollars. Rent.

For pay of clerk of board of examiners of military war claims, five hundred and eighty-two dollars. Clerk.

For contingents of Treasurer's office, eight hundred dollars.

For preparing state bonds, two hundred and fifty dollars. Bonds.

CHAP. CXXXVII.—*An Act amendatory of an Act entitled "An Act to reincorporate the city of Sonora," approved March ninth, one thousand eight hundred and fifty-five.*

[Approved March 29, 1858.]

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

SECTION 1. Section sixteen of an act entitled "an act to reincorporate the city of Sonora," passed March ninth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows: Act amend'd.

SEC. 2. [16] In case the public debt is not liquidated at the expiration of six years, the trustees shall have power to levy a sufficient tax, in addition to the one per cent. authorized in section ten, to pay the outstanding debt. Public debt.

CHAP. CXXVIII.—*An Act fixing the time of holding the Terms of the Court of Sessions, County Court, and Probate Court, in and for the County of San Bernardino.*

[Approved March 29, 1858.]

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

- Court of sessions. SECTION 1. The regular terms of the court of sessions shall be held on the first Monday of February, May, and October.
- County court. SEC. 2. The regular terms of the county court shall be held on the second Monday of February, May, and October.
- Probate court. SEC. 3. The regular terms of the probate court shall be held on the fourth Monday of January, April, July, and October.
- Act repealed. SEC. 4. The provisions of an act entitled "an act concerning the courts of justice of this state and judicial officers," passed May nineteenth, one thousand eight hundred and fifty-three; also, an act entitled "an act to amend an act concerning the courts of justice of this state and judicial officers," passed March twentieth, one thousand eight hundred and fifty-four, so far as they relate to the county of San Bernardino, are hereby repealed.

CHAP. CXXIX.—*An Act concerning official bonds of Justices of the Peace and Constables of the Counties of this State.*

[Approved March 29, 1858.]

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

- Official bonds. SECTION 1. From and after the passage of this act, the amount of the official bonds of justices of the peace and constables shall be fixed by the board of supervisors of the several counties of this state.
- Act repealed. SEC. 2. All laws and parts of laws, so far as the same conflict or are inconsistent with this act, are hereby repealed.

CHAP. CXXX.—*An Act for the Relief of Thomas R. Eldredge.*

[Approved March 29, 1858.]

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

- Money appropriated. SECTION 1. The sum of one hundred and fifty-five dollars and eighty-five cents, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to pay Thomas R. Eldredge for correcting proof of Spanish Laws of one thousand eight hundred and fifty-six.

CHAP. CXXXI.—*An Act to audit the Claim of John S. Love.*

[Approved March 30, 1858.]

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

SECTION 1. The claim of John S. Love, for disbursements to state prison in the year one thousand eight hundred and fifty-five, for the sum of twenty-four hundred and eleven dollars and thirty-four cents, is hereby audited and allowed. Claim allowed.

CHAP. CXXXII.—*An Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Shasta.*

[Approved March 30, 1858.]

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

SECTION 1. From and after the first Monday in October, A. D. one thousand eight hundred and fifty-nine, the office of collector of taxes in the county of Shasta shall be separate from the office of sheriff. Office separated.

SEC. 2. At the general election to be held in the year one thousand eight hundred and fifty-nine, and at the general election every two years thereafter, there shall be elected in the said county a collector of taxes, who shall enter upon the duties of his office on the first Monday in October next thereafter, and shall hold said office for two years, and until his successor is elected and qualified. Election.

SEC. 3. The collector of taxes elected under the provisions of this act shall collect all state and county taxes, all foreign miners' licenses, taxes, and all kinds of public dues which, by law, shall be required to be collected, excepting poll-taxes, on the first Monday in October, A. D. one thousand eight hundred and fifty-nine, by the sheriff of said county; and all duties and liabilities imposed by law upon the said sheriff, in the collection of said taxes and public dues, shall attach to the office hereby created; and all authority and power possessed by said sheriff, for the enforcement of the said collections, is conferred upon said collector; and the said collector, elected under the provisions of this act, shall qualify for his said office, and shall give such bond or bonds as shall be by law required to be given by the said sheriff for like responsibility. Collector's duties.

SEC. 4. The collector of taxes hereby created shall have the power of appointing one or more deputies to aid him in his official duties, for whose official conduct he shall be responsible; and each and every such deputy, before entering upon the discharge of the duties of his office, shall make, and subscribe in writing, upon the back of his certificate of appointment, the oath of office required of his principal, modified to suit his position, and shall immediately thereafter file the same with the county recorder of Bonds. Deputies. Oath.

said county; and he shall not be considered qualified to act until the same is done.

Act repealed. SEC. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, so far as they relate to the county of Shasta; *Provided*, That nothing in this act shall be held to affect the office of sheriff in said county until the first Monday in October, A. D. one thousand eight hundred and fifty-nine.

CHAP. CXXXIII.—*An Act authorizing the Treasurer of State to issue Bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian Commissioners in the year one thousand eight hundred and fifty-six.*

[Approved March 30, 1858.]

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

Bonds to be issued.

SECTION 1. The Treasurer of State is hereby authorized and required to issue bonds, in the manner prescribed by an act approved April twenty-fifth, one thousand eight hundred and fifty-seven, in favor of Walter McDonald and A. M. Jones, for the sum of three thousand dollars each, for services rendered as Indian commissioners in the year eighteen hundred and fifty-six.

\$6,000.

SEC. 2. The sum of six thousand dollars is hereby set apart, out of any money which may be appropriated by Congress for the payment of expenses incurred in the settlement of Indian war claims, for the payment of the bonds mentioned in section one of this act.

CHAP. CXXXIV.—*An Act amendatory of an act entitled "An act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain counties in this state," approved April twenty-fifth, one thousand eight hundred and fifty-seven.*

[Approved March 30, 1858.]

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

SECTION 1. Section two of the above entitled act is hereby amended so as to read as follows:

Accounts to be audited.

Section two—The Treasurer, Controller, and Quartermaster General of this state, are hereby constituted a board of examiners, and are authorized and required to examine and audit accounts for claims for services rendered and supplies furnished for the expeditions against the Indians in Siskiyou county since the year one thousand eight hundred and fifty, and one thousand eight hundred and fifty-six, inclusive; and for property destroyed by the Indians in said county in said years; *Provided*, the same do not exceed the sum of two hundred and nine thousand dollars. Also, for services rendered and supplies furnished for

Siskiyou.

Proviso.

the expeditions against the Indians in the counties of Humboldt, Klamath, and Del Norte, since the year one thousand eight hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said counties of Humboldt, Klamath, and Del Norte, since the year one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of one hundred and twenty thousand dollars. Also, for services rendered and supplies furnished for the expedition against the Indians in the county of Tulare, for the year A. D. one thousand eight hundred and fifty-six; *Provided*, the same do not exceed the sum of ten thousand dollars. Also, for services rendered and supplies furnished for the expedition against the Indians in the county of Sutter, for the year A. D. one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of five thousand dollars. Also, for services rendered and supplies furnished for the expedition against the Indians in the county of San Bernardino, from the year A. D. one thousand eight hundred and fifty-two, to one thousand eight hundred and fifty-six; *Provided*, the same do not exceed the sum of one thousand dollars. Also, for services rendered and supplies furnished for the expeditions against the Indians in the county of Nevada, for the years A. D. one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one; and for property destroyed and losses sustained by Indian depredations in said Nevada county during said years; *Provided*, the same do not exceed the sum of fifteen thousand dollars. Also, for the expedition, wars, and depredations, in Los Angeles county, from the year A. D. one thousand eight hundred and fifty to the year one thousand eight hundred and fifty-six; *Provided*, the same do not exceed nineteen thousand dollars. Also, for the expeditions, wars, and depredations, in Yuba county, since the first day of January, A. D. one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of fifteen thousand dollars. Also, for services rendered and supplies furnished, in the expeditions against the Indians in the county of Shasta, since the year A. D. one thousand eight hundred and fifty-two, and for property destroyed by the Indians in said county since that year; *Provided*, the same do not exceed the sum of five thousand dollars. Also, for services rendered and supplies and animals furnished the expedition against the Indians in the counties of Napa and Yolo, in the years one thousand eight hundred and fifty and one thousand eight hundred and fifty-one; *Provided*, the same do not exceed the sum of eleven thousand dollars. A. J. F. Phelan is hereby appointed a clerk of said board of examiners.

Humboldt,
Klamath,
and Del
Norte.

Tulare.

Sutter.

San Bernar-
dino.

Nevada.

Los Angeles.

Yuba.

Shasta.

Napa and
Yolo.

Clerk.

SEC. 2 The fourth section of the above entitled act is hereby amended so as to read as follows: The State Treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments, in such sums as the board of examiners shall have audited and allowed; and said bonds shall specify upon their face the fund out of which they are to be paid.

State bonds.

SEC. 3. The fifth section of the above entitled act is hereby amended so as to read as follows: All such bonds shall be signed by the Treasurer, and countersigned by the Controller, in their official character, made payable to and endorsed by the Governor, who shall affix the seal of state thereto; which bonds,

Form
prescribed.

duly issued as aforesaid, shall be transferable, by assignment, by the owner thereof, or by his attorney in fact.

CHAP. CXXXV.—*An Act concerning the office of County Judge of San Joaquin County.*

[Approved March 30, 1858.]

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

Salary. SECTION 1. The salary of the county judge of San Joaquin county, from and after the first day of April, A. D. one thousand eight hundred and fifty-eight, shall be four thousand dollars per annum.

Tax. SEC. 2. It shall be the duty of the board of supervisors of said county, each year, out of the tax authorized by law for county expenditures, to levy and collect, in current coin, a sufficient amount for the payment of said salary, from and after the first day of April, A. D. one thousand eight hundred and fifty-eight.

Act repealed. SEC. 3. An act to fix the compensation of the county judge of San Joaquin county, approved February nineteenth, one thousand eight hundred and fifty-seven, is hereby repealed.

SEC. 4. This act shall take effect from and after the passage thereof.

CHAP. CXXXVI.—*An Act to change the Name of Henry Alfred Kreicer to Henri Miller.*

[Became a Law by operation of the Constitution, March 30, 1858.]

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

Name changed. SECTION 1. That the name of Henry Alfred Kreicer be and it is hereby changed to Henri Miller.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this thirtieth day of March, one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CXXXVII.—*An Act to authorize the Courts of Record of this State to admit Samuel Plomer Semper as an Attorney and Counselor at Law.*

[Became a Law by operation of the Constitution, March 30, 1858.]

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

SECTION 1. It is hereby made lawful for any or all of the

courts of record of this state to admit Samuel Plomer Semper to practice as an attorney and counselor at law, in the same manner as though he were a citizen of the United States and of this state. Admitted
as attorney.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this thirtieth day of March, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CXXXVIII.—*An Act to amend an Act entitled "An Act to regulate the settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.*

[Approved March 30, 1858.]

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

SECTION 1. Section one hundred of an act entitled "an act to regulate the settlement of the estates of deceased persons," passed May first, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Section one hundred—Any executor or administrator may, at any time, by writing, filed in the probate court, resign his appointment, having first settled his accounts and delivered up all the estate to such person as the court shall appoint; *Provided*, if, by reason of any delays in such settlement and delivering up of the estate, or for any other cause, the circumstances of the estate, or the rights of those interested in the estate shall, in the opinion of the court, require it, the court may, at any time before such settlement of accounts and delivering up of the estate shall have been completed, revoke the powers or the letters testamentary or of administration of such executor or administrator, and appoint, in his stead, an administrator, either special or general, as the case may require, and in the same manner as is directed in relation to original letters of administration. The liability of the outgoing executor or administrator, or of the sureties on his bond, shall not be in any manner discharged, released, or affected, by such appointment of a special or general administrator in his stead. Executors.
Revocation.
Sureties.

CHAP. CXXXIX.—*An Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Shasta.*

[Approved March 31, 1858.]

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

SECTION 1. From and after the first Monday in October, in Date of
separation.

the year one thousand eight hundred and fifty-nine, the offices of county recorder, county auditor, and clerk of the probate court, in the county of Shasta, shall be separate from the office of county clerk.

Election. SEC. 2. At the general election to be held in the year one thousand eight hundred and fifty-nine, and at the general election every two years thereafter, there shall be elected in the said county, a county recorder, who shall enter upon the duties of his office on the first Monday in October, subsequent to his election, and shall hold said office for the term of two years, and until his successor is elected and qualified.

Term. SEC. 3. The term of said office shall be two years, and shall commence on the first Monday in October, in the year one thousand eight hundred and fifty-nine, and on the first Monday in October every second year thereafter.

Bonds and duties. SEC. 4. The county recorder of said county shall be *ex officio* county auditor and clerk of the probate court, and shall qualify for his said office and *ex officio* offices; shall enter into such bond or bonds, which bond or bonds shall be filed with the county clerk of said county, for the faithful discharge of his duties; shall be possessed of all the authority, shall be subject to all the prohibitions, liabilities and penalties, and shall discharge all the duties imposed and enjoined by and on said officers, as prescribed by law.

Location. SEC. 5. The county recorder shall keep his office at the seat of justice in said county.

Act repealed. SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed, so far as they relate to the county recorder, and his *ex officio* offices, in the county of Shasta; *Provided*, that nothing in this act shall be held to affect the office of county clerk and his *ex officio* offices in said county, until the first Monday in October, A. D. one thousand eight hundred and fifty-nine.

CHAP. CXL.—*An Act to provide for the erection of a Jail in the County of Tulare.*

[Approved March 31, 1858.]

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

Special tax. SECTION 1. The board of supervisors of the county of Tulare are hereby authorized and required, after the passage of this act, to levy a special tax upon the taxable property in the county, not exceeding one-half of one per cent. on the valuation; and all money collected under this act shall be set apart and held as a special jail fund, to be used only as herein provided.

Jail fund.

Plans, etc. SEC. 2. Said board may advertise for, and receive plans, specifications, and estimates, for constructing a county jail, and shall adopt such plans and specifications as may be deemed best for the county, reference being had to the probable expenses; and, after adopting the plan and specifications, said board shall give notice, by posting in at least three public places in the county, for at least thirty days, that sealed proposals will be received, at

Proposals.

a place to be specified, for building a county jail according to the plans and specifications adopted.

SEC. 3. After thirty days' notice, and at the time and place to be specified in the notice, said board shall open all bids and proposals for building and completing the county jail according to the plan and specifications, and within such reasonable time as may be fixed by said board, and the contract shall be awarded to the lowest responsible bidder who will give sufficient security for the prompt and faithful performance of the contract; but such board shall not accept any bid or proposal which, in their judgment, is higher than a fair and just compensation for the performance of the contract. Awards.

SEC. 4. All payments for notices and advertisements made necessary by this act, and for constructing and furnishing said jail, shall be made by warrants drawn on the special jail fund, and said warrants shall be paid in the order of their presentation to the county treasurer; but no payment shall be made out of that fund for salary, allowance, or compensation, to any officer or any person, as agent or owner, architect or superintendent, or for any purpose other than specified in this act. Demands.

SEC. 5. Warrants for sixty per cent. of the estimated value of the work done on said jail may be drawn as the jail progresses; at least forty per cent. of the whole amount to be paid being reserved until the completion of the jail, as additional security for the performance of the contract. Warrants.

SEC. 6. This act shall cease to be of effect when said jail shall be completed, furnished, and paid for; and should any surplus money then remain in said special fund, it shall be turned over to the general fund of the county. General fund

SEC. 7. The special tax authorized by this act shall be collected at the same time and in the same manner as the ordinary state and county taxes. The sheriff shall receive five per cent. on all moneys by him collected and paid over to the county treasurer, under the provisions of this act; and the county treasurer shall receive two per cent. on the amount of money by him disbursed under the provisions of this act. Collection.

CHAP. CXLI.—*An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District.*

[Approved April 2, 1858.]

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

SECTION 1. The county of Stanislaus, for judicial purposes, shall be attached to the thirteenth judicial district.

SEC. 2. The terms of the district court of the thirteenth judicial district shall be held as follows: In the county of Merced on the first Monday of February, June, and October, of each year; in the county of Stanislaus on the second Monday of February, June, and October, of each year; in the county of Fresno on the third Monday of February, June, and October, of each year; in the county of Tulare on the fourth Monday of February, June, Merced.
Stanislaus.
Fresno,
Tulare.

Mariposa. and October, of each year; in the county of Mariposa on the second Monday of March, July, and November, of each year.

Act repealed. SEC. 3. All acts or parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

CHAP. CXLII.—*An Act to amend an Act entitled "An Act affixing the age of majority of Males and Females," passed May tenth, one thousand eight hundred and fifty-four.*

[Approved April 2, 1858.]

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 affixing the age of majority of males and females," passed May tenth, one thousand eight hundred and fifty-four, is hereby amended so as to read as follows :

Legal age.

Section one—Males shall be deemed of full and legal age when they shall be twenty-one years old, and females shall be deemed of full and legal age, when they shall be eighteen years old, or at any age under eighteen, when, with the consent of the parent, guardian, or other person under whose care or government they may be, they shall have been lawfully married.

CHAP. CXLIII.—*An Act authorizing and empowering the County Recorder of Butte County to make certified copies of certain Records and Indexes of record of said county, and fixing the amount of his compensation therefor.*

[Approved April 2, 1858.]

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

Certified copies.

SECTION 1. The county recorder of Butte county is hereby authorized and required to make certified copies of the record of mining claims; the record of marriages; the record of assignment of mortgages; the record of notices of *les pendens*; the records of wills, and the record of official bonds in and for said county; and shall properly index the same, according to law. He shall also reindex the record of deeds; of mortgages; of mechanics' liens; of leases; of releases of mortgages; of powers of attorney; of estrays; of possessory claims; of attachments; of marks and brands; and transcripts of judgments; in and for said county.

Books.

SEC. 2. All the certified copies hereby required, shall be made in fair and legible handwriting, and in substantial full-bound books, which books shall be purchased by the said county for the object herein specified; and said certified copies, when made, shall have the same force, and be as valid in evidence, as are the originals.

SEC. 3. The said county recorder shall receive, from the

county treasurer of said county, for making said certified copies, ^{Compensat'n} ten cents per folio of one hundred words; the same to be paid, on the order of the board of supervisors, whenever they are satisfied, from competent evidence, that said copies have been made, and of the number of folios thereof; any one or more may be paid for at a time, as the work progresses.

CHAP. CXLIV.—*An Act fixing the amount of Compensation of the Supervisors of Butte County, and the amount of Compensation of the Clerk of the Board of Supervisors of said County.*

[Approved April 2, 1858.]

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

SECTION 1. The compensation of each member of the board ^{Compensat'n} of supervisors of Butte county, shall be eight dollars per day for each day actually spent in the service of the county, and going to and from the county seat to attend to or return from their official duties; and the compensation of the clerk of the board shall be eight dollars for each day said board shall spend in actual session.

SEC. 2. All acts, or parts of acts, heretofore passed, conflict- ^{Act repealed.} ing with the provisions of this act, so far as they conflict with this act, only, are hereby repealed.

CHAP. CXLV.—*An Act to create a Sinking Fund to pay the Outstanding Indebtedness of Contra Costa County.*

[Approved April 3, 1858.]

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

SECTION 1. The board of supervisors of Contra Costa county ^{Sinking fund} are hereby required, before the first day of May, one thousand eight hundred and fifty-eight, and annually thereafter, to levy a property-tax of fifty cents on the one hundred dollars' worth of property, to be assessed and collected in the ordinary manner, and paid into the county treasury of said county, in cash; and, when paid in, to create a sinking fund for the redemption of the county bonds and warrants outstanding on the first day of July, one thousand eight hundred and fifty-seven.

SEC. 2. The county judge, county clerk, and county treasurer ^{Com'ssioners} of said county, shall constitute the board of fund commissioners, under this act, and before entering upon the discharge of their duties herein prescribed, shall make oath that they will faithfully discharge their duties according to law.

SEC. 3. Said board of commissioners shall cause a notice to be ^{Proposals to surrender in New York} published for one month in a daily newspaper in the city of New York, before the first day of October, one thousand eight hundred and fifty-eight, notifying all persons holding bonds or war-

rants of said county issued prior to the first day of July, one thousand eight hundred and fifty-seven, that sealed proposals will be received at the office of the county treasurer of said county from the first Monday in December, one thousand eight hundred and fifty-eight, until the first Monday in January, one thousand eight hundred and fifty-nine; and between the first Monday of December and January annually thereafter, for the redemption of such outstanding bonds and warrants, until all such bonds and warrants outstanding shall be redeemed; such sealed proposals shall specify the number, date of, and amount, of the bond or warrant, including the interest; and shall specify the sum, in cash, that will be received in lieu thereof; and also, that from and after the first day of January, one thousand eight hundred and fifty-nine, all bonds and warrants issued prior to the first day of July, one thousand eight hundred and fifty-eight, shall bear interest at five per cent. per annum.

Interest.

Notice in
San Francisco.

SEC. 4. A notice, similar to that in section three of this act, shall be published in some daily newspaper in San Francisco, for two months prior to the first day of January, one thousand eight hundred and fifty-nine, and printed notices shall be posted at the court-house door, and in four other public places in said county, one month before the first day of January, one thousand eight hundred and fifty-nine, and annually thereafter, until all the bonds and warrants shall be redeemed. A notice shall be published in a newspaper for one month prior to the first day of January, in said county, if there be one published therein, and if there be none, then by posting printed notices as herein prescribed, and also by causing a notice to be published in a newspaper in San Francisco for one month.

Numbered.

SEC. 5. Sealed proposals shall be received by the county treasurer, and numbered in the order in which they are received, in a book to be kept for that purpose, and endorsed on each proposal, and filed. And on the first Monday in January, one thousand eight hundred and fifty-nine, and on said day annually thereafter, said commissioners, or a majority of them, shall proceed in a public manner to open all proposals that shall have been received, in the order numbered, and shall enter a minute of the contents of each proposal, in a book to be kept for that purpose, and shall pay cash for and redeem each bond or warrant, having due regard to the lowest amount proposed to be received for any one bond or warrant; and shall redeem in that

Redemption.

order until the money applicable to the redemption of the bonds and warrants is exhausted, or all the bonds or warrants presented have been canceled. When a bond or warrant is redeemed, they shall endorse the word "canceled" on the back of the bond or warrant, and sign the same, and enter a minute of such redemption in the minute book of their proceedings. If a surplus of money shall remain in the treasury any one year after paying cash for all the bonds or warrants for which proposals shall have been received, then the balance of the bonds and warrants outstanding shall cease to be bear interest; and if on the next succeeding year a surplus shall remain in the treasury, the board of supervisors may diminish the amount of tax to be levied in a corresponding degree.

Surplus.

SEC. 6. Said commissioners, at the close of their proceedings, annually, shall make out a written statement of the bonds and warrants redeemed, the date, number, and amount, of each bond or warrant, with the interest on each bond or warrant, and present the same to the board of supervisors at their next session; and the board shall cause the same to be filed in the county recorder's office. Statement.

SEC. 7. As soon as all the bonds and warrants provided for in this act shall have been redeemed, the board of commissioners shall report that fact to the board of supervisors, and they shall thereafter cease to levy and collect the tax as prescribed in this act; and if a surplus shall remain of such fund, the same shall be carried to the common county fund. Cessation of tax.

SEC. 8. All moneys now in the county treasury, or that shall be collected for paying the interest on the funded debt of said county, shall be carried to the sinking fund, and shall constitute a part of said fund. Money in treasury.

SEC. 9. The fund commissioners shall receive, as a compensation for their services, such reasonable sum per day as the board of supervisors may allow, not to exceed five dollars per day. Compensat'n

SEC. 10. "An act to fund the debt of Contra Costa county, and provide for the payment of the same," approved February fourteenth, one thousand eight hundred and fifty-five, and an act amendatory of an act entitled "an act to fund the debt of Contra Costa county, and to provide for the payment of the same, approved February fourteenth, one thousand eight hundred and fifty-five," approved April thirtieth, one thousand eight hundred and fifty-five, and an act providing for the funding the debt of Contra Costa county, not heretofore provided, approved April nineteenth, one thousand eight hundred and fifty-six, are hereby repealed. Act repealed.

CHAP. CXLVI.—*An Act to amend an Act entitled "An Act fixing the time of holding the several Courts authorized to be held by the County Judge, in the County of Tuolumne," approved April sixteenth, one thousand eight hundred and fifty-five.*

[Approved April 2, 1858.]

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

SECTION 1. Section first is hereby amended so as to read as follows:

Section one—The courts authorized to be held by the county judge in the county of Tuolumne, shall hereafter be held all at the same time, viz.: on the first Mondays of February, June, and October, of each year; *Provided*, that the county judge of said county may call and hold special terms of the probate court and the court of sessions, whenever the public interest may require it. Terms. Special.

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

Section five—An act concerning the courts of justice of this state, and judicial officers, passed May nineteenth, one thousand eight hundred and fifty-three, and, also, an act passed April six-

Act repealed. tenth, one thousand eight hundred and fifty-five, entitled an act fixing the time of holding the several courts authorized to be held by the county judge, in the county of Tuolumne, so far as the same relate to the county of Tuolumne, and controvert the provisions of this act, are hereby repealed.

CHAP. CXLVII.—*An Act to legalize certain Statements, in the form of affidavits, made before the County Recorders of this State.*

[Approved April 3, 1858.]

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

Statements legalized.

SECTION 1. All statements heretofore made in the form of an affidavit, made by citizens of the United States, in pursuance of the provisions of section three of the act entitled "an act prescribing the mode of maintaining and defending possessory actions on public lands in this state," approved April twentieth, one thousand eight hundred and fifty-two, and which statements were sworn to before the recorder of any county in this state, or their deputies, prior to the passage of this act, shall have the same force and effect as if the oath had been administered by an officer authorized to administer oaths and affirmations.

Affidavits.

SEC. 2. County recorders in the different counties of this state are hereby authorized and empowered to take affidavits to all statements similar to those referred to in the preceding section of this act.

CHAP. CXLVIII.—*An Act to fix the Compensation of certain officers in the Counties of San Joaquin and Alameda.*

[Approved April 6, 1858.]

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

Per centage.

SECTION 1. The sheriff or tax collector of the counties of San Joaquin and Alameda, shall be allowed, for collecting all taxes (except license taxes, foreign miners' taxes, and poll-taxes,) six per cent. on the first ten thousand dollars; four per cent. on all over ten thousand dollars and under twenty thousand dollars; and three per cent. upon all over twenty thousand dollars and under fifty thousand dollars; and two per cent. upon all over fifty thousand dollars. The county treasurers of the counties of San Joaquin and Alameda shall be allowed three per cent. upon all moneys received and disbursed by them; *Provided*, nothing in this act shall be so construed as to allow any officer a per centage upon both receiving and disbursing. The assessor of the county of San Joaquin shall be allowed, for his services, not more than ten dollars nor less than eight dollars per diem, whilst actually engaged in the assessment of the property of his county; but he shall receive no per diem whilst engaged in collecting poll or other taxes.

Proviso.

SEC. 2. All laws or parts of laws, inconsistent with and conflicting with the provisions of this act, are hereby repealed. Act repealed.

CHAP. CXLIX.—*An Act to authorize Simpson Thompson, and T. H. Thompson, to construct a Wharf at Suscol Ferry, in Napa County, on the east bank of Napa River.*

[Approved April 6, 1858.]

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

SECTION 1. Simpson Thompson and T. H. Thompson, their wharf associates and assigns, are hereby authorized to build a wharf—commencing at the south side of the road, at the Suscol Ferry, on Napa River, in Napa county, on the eastern side of said river, and continuing for the distance of five hundred feet down said river, and to project into the river ten feet beyond low-water mark; *Provided*, the same shall not obstruct the navigation of said river.

SEC. 2. All the right of the state of California to the overflowed lands on which said wharf may be built, is hereby released to the said Simpson and T. H. Thompson, their associates and assigns, for the term of twenty years; *Provided*, that said wharf shall be commenced within one year, and completed within two years from the passage of this act.

SEC. 3. Said Simpson Thompson and T. H. Thompson, their toll, etc. associates and assigns, shall construct said wharf in a good and substantial manner, and keep the same in good repair; and they may collect toll and wharfage, as the board of supervisors of said county may from time to time allow.

CHAP. CL.—*An Act to audit and allow the Claim of James Smiley.*

[Approved April 6, 1858.]

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

SECTION 1. The claim of James Smiley, for building state prison wall, for the sum of ninety-two thousand three hundred and eighteen dollars and eighty-one cents, is hereby audited and allowed. Claim allowed.

CHAP. CLII.—*An Act to amend an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, El Dorado, Amador, and Tuolumne, approved April fifth, one thousand eight hundred and fifty-six.*

[Approved April 6, 1858.]

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

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

Fees. SECTION one—The public administrators of the counties of Nevada, Sacramento, Monterey, El Dorado, Amador, and Tuolumne, shall hereafter be entitled to receive for their services the same fees as are allowed executors and administrators, by an act entitled “an act to regulate the settlement of the estates of deceased persons,” passed May first, one thousand eight hundred and fifty-one.

CHAP. CLIII.—*An Act granting the privilege to Charles Talcott to erect a Wharf at Point San Quentin, in Marin county, and collect wharfage.*

[Approved April 6, 1858.]

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

Wharf. SECTION 1. The right to build and erect a wharf in San Francisco Bay, at the terminus of the road leading from San Rafael to Point San Quentin, extending into the said bay to a point where the water stands ten feet deep at low water, is hereby granted to Charles Talcott, his heirs and assigns, for the term of fifteen years.

Overflowed lands. SEC. 2. The use and occupancy of the overflowed land hereby granted, for the purpose of said wharf, shall consist of a strip of land, commencing at low tide, two hundred feet wide along the water-line, and three hundred from low tide in length; *Provided*, that nothing herein contained shall be so construed as to permit the parties herein named to impede navigation.

Wharfage. SEC. 3. The said Talcott shall build and erect said wharf within one year from the passage of this act; and thereafter, from time to time, enlarge the same, as the business and commerce of the place may require, and collect such wharfage and be subject to such rules and regulations as may be prescribed by the board of supervisors of Marin county.

Exempted. SEC. 4. No goods or property of any description belonging to the state of California shall be subject to toll or wharfage; and the said Talcott, or his assigns, shall permit any property belonging to the state, to be landed and transported across said wharf, at all times, free of charge.

CHAP. CLIII.—*An Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries.*

[Approved April 6, 1858.]

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

SECTION 1. At the next general election, there shall be elected, in El Dorado county, three supervisors, who shall be elected by the qualified electors of each district, who shall hold their office for the term of one, two, and three years, respectively; and at the first meeting of the board of supervisors of said county, after their election, they shall draw lots for the terms one, two, and three years, respectively; and the supervisor who draws one year, shall hold office for one year from the time of his election, or until his successor is elected and qualified; and the supervisor who draws two years, and the supervisor who draws three years, shall hold office for the term of two and three years, respectively, and until their successors are elected and qualified. Draw lots for terms.

SEC. 2. Said supervisors shall be qualified electors of the respective districts which they represent, and shall be elected by the qualified electors of their respective districts. There shall be one supervisor elected in said county every year thereafter, to hold office for the term of three years. They shall be elected by their respective districts, alternately, as the term of office of each supervisor expires. Qualification

SEC. 3. The supervisors of El Dorado county shall receive for their compensation, from the funds of the county not otherwise appropriated, the sum of eight hundred dollars per annum each; said sum to be paid in quarterly payments at the end of each quarter, upon the presentation of their claims, duly certified, to the county treasurer, signed by the clerk of the board. The county treasurer shall pay the same, if he has funds sufficient for that purpose not otherwise appropriated by law; but if he has not such funds, he shall so endorse upon such certificate; and the county auditor, upon presentation to him of such certificate, endorsed as aforesaid, shall issue his warrant as in other cases of indebtedness or allowances against the county, distinctly specifying in the warrant for what the same is issued. The supervisors of said county shall do all the duties now required of them by law to be done, and shall receive no other compensation for their services than is herein provided. Compensat'n

SEC. 4. The supervisors of said county shall not act upon any bill or claim in which either of them may have a direct or contingent interest; nor shall they appoint either of their number to any position of honor or profit which they may be authorized by law to create or fill. Prohibition.

SEC. 5. The board of supervisors of El Dorado county shall meet regularly on the first Monday of each month in the year, at the county seat in said county, for the transaction of business, and shall continue for one week in session, or until all the business presented for their action shall be completed. The board Meetings.

shall also meet on the second Monday after each general election, to canvass the election returns.

Vacancies.

SEC. 6. If, by the death, resignation, or removal from the district, of either of the members of the board, or by any other cause, a vacancy should occur, it shall be the duty of the remaining members of the board to order an election immediately, in the district in which such vacancy shall occur; said election to be held within fifteen days from the date of said order, to elect a competent person to fill said vacancy, who shall be qualified agreeably to the requirements of this act, who shall serve to the end of the unexpired term.

Act repealed.

SEC. 7. So much of an act entitled "an act to create a board of supervisors in the counties of this state, and to define their duties and powers," approved March twentieth, one thousand eight hundred and fifty-five, as conflicts with the provisions of this act, be, and is hereby, repealed.

CHAP. CLIV.—*An Act to amend an Act entitled "An Act to provide for the Payment of the Debt of Santa Cruz County," approved April twenty-fourth, one thousand eight hundred and fifty-seven.*

[Approved April 6, 1858.]

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

SECTION 1. Section second of the above entitled act is hereby amended so as to read as follows :

Bids for
surrender
of
bonds.

Section two—Whenever there shall accumulate in the county treasury, from proceeds of the special tax, as provided for in the foregoing section, the sum of five hundred dollars or over, it shall be the duty of the county treasurer to notify the county auditor thereof, and it shall be the duty of the county auditor to give, immediately, at least twenty-one days' notice in a newspaper of the county, if there be one, otherwise by public notices posted on the doors of his office, and of each post-office in the county, and also in three of the other most public places at the county seat, of the amount of money in said sinking fund, and that bids will be received by him at his office, at a time therein stated, for the surrender of county warrants, which shall include all warrants drawn upon the county treasurer, except those drawn upon the common school fund.

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

Awards.

Section three—On the day and hour mentioned in said notice, the county auditor shall attend at his office, and then and there receive proposals for the redemption of said county warrants, which bids shall be made in public, and *viva voce*; he shall accept those bids offered at the lowest rates, and for the best interest of the county; *Provided*, that no bid for more than the par value of said warrants shall be considered, and no bid shall be finally accepted unless the warrant or warrants proposed to be surrendered, shall be immediately surrendered to the county auditor.

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

Section four—If, upon the final settlement of the sheriff, for taxes collected during the year, an amount less than five hundred dollars shall remain in the sinking fund, the county treasurer and the county auditor may proceed in the same manner as if there was five hundred dollars in said fund. In case of less sum.

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

Section five—Whenever any bids shall be accepted, it shall be the duty of the county auditor to make a record in his office of the number and amount of the warrants to be redeemed; specifying the amount to be paid on each warrant, and to whom the same is to be paid, and shall thereupon deliver the same to the county treasurer, with an order for him to pay the same out of the sinking fund; said order shall specify the number and the amount of each warrant, and the sum to be paid therefor, and to whom to be paid; and the warrants so redeemed shall be canceled as other redeemed warrants, except that the county treasurer shall endorse on the face of said warrants the amount paid for the same, and shall sign his name thereto; and said canceled warrants, together with the order of the county auditor, shall be sufficient vouchers for the county treasurer in the settlement of his accounts. Bids record'd
Warrants canceled.

CHAP. CLV.—*An Act to provide for the Payment of Volumes Six and Seven of the Reports of the Supreme Court of California.*

[Approved April 6, 1858.]

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

SECTION 1. The sum of four thousand dollars is hereby appropriated from the general fund, out of any moneys in the treasury not otherwise appropriated, to be applied to the payment of three hundred copies of volume six, and three hundred copies of volume seven, of the Reports of the Supreme Court of California. Money appropriated.

SEC. 2. Upon delivery to the Secretary of State of three hundred copies of the sixth volume of said Reports, containing the reports of decisions rendered during the year eighteen hundred and fifty-six, bound in law style, the Controller is hereby authorized and required to draw his warrant upon the Treasurer, in favor of H. Toler Booraem, for the sum of two thousand dollars; and upon delivery to the Secretary of State of three hundred copies of volume seven of said Reports, on or before the first day of July, one thousand eight hundred and fifty-eight, containing the reports of decisions rendered during the year one thousand eight hundred and fifty-seven, bound in law style, the Controller is hereby authorized and required to draw his warrant on the Treasurer, in favor of said Booraem, for the further sum of two thousand dollars; *Provided*, that no warrants shall issue for the sum herein appropriated until there is money in the treasury to pay the same; *And provided, further*, that the sum herein appropriated be in lieu of the compensation for copies of annual Volume 6.
Volume 7.

Term
reports.

and term reports for the years one thousand eight hundred and fifty-six, and one thousand eight hundred [and] fifty-seven, allowed by section ten of an act entitled "an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation," approved April nineteenth, one thousand eight hundred and fifty-six; *And provided, further*, that no warrants shall issue for any portion of the sum hereby appropriated, until the said Booraem shall file with the Controller his release to the state, and also the release of the reporter of the Supreme Court, of all claim and demand, present or future, in any form, to the allowance for said copies of Reports made by section ten of said act.

Reports
official.

SEC. 3. The Reports published as provided in this act, shall be, and are hereby, declared the official Reports of the Supreme Court of this state.

CHAP. CLVI.—*An Act to audit certain Claims.*

[Approved April 7, 1858.]

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

Claims
allowed.

SECTION 1. The claim of John Q. Brown, E. E. Eyre, J. H. Culver, and John Arnold, for rent of state armory for the months of May, June, July, August, September, October, and November, in the year one thousand eight hundred and fifty-six, for eight hundred and seventy-five dollars, is hereby audited and allowed.

SEC. 2. The claim of J. H. Culver, for rent of state armory for the month of January, one thousand eight hundred and fifty-six, for one hundred and twenty-five dollars, is hereby audited and allowed.

CHAP. CLVII.—*An Act to appropriate money for the Relief of certain persons.*

[Approved April 7, 1858.]

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

Moneys
appropriat'd.

SECTION 1. The sum of one hundred and seventy-eight dollars is hereby appropriated, to pay B. M. Fetter for services as witness in the high court of impeachment, in the year one thousand eight hundred fifty-seven; and the sum of fifty-two dollars, to pay James F. Klane for work done on capitol; and the sum of fifty dollars, to pay R. Manning for rooms, lights, etc., for use of investigating committee to insane asylum; and the sum of forty dollars, to pay J. Benadon for services as sergeant-at-arms for insane asylum investigating committee; out of any money in the treasury not otherwise appropriated.

CHAP. CLVIII.—*An Act to audit the claim of M. Scott, junior, as an employé or subordinate officer of the State Prison, and witness before a Committee of the Legislature.*

[Became a Law by operation of the Constitution, March 15, 1858.]

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

SECTION 1. The claim of M. Scott, junior, for salary as an employé or subordinate officer in the state prison, in the year one thousand eight hundred and fifty-six, for the sum of nine hundred dollars; also, as a witness before the Committee of Ways and Means of the Assembly in March, one thousand eight hundred and fifty-six, for the further sum of one hundred and nineteen dollars, is hereby audited and allowed. Claim allowed.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this eighth day of April, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CLIX.—*An Act to fix the amount of the Official Bonds of the County Officers in the Counties of Merced, Tulare, and Fresno.*

[Approved April 7, 1858.]

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

SECTION 1. The county officers hereinafter named, in the counties of Merced and Tulare, shall give bonds for the faithful discharge of their duties, as prescribed by law, in the following named sums, respectively: The sheriff shall give bonds in the sum of twelve thousand dollars; also, as collector of foreign miners' licenses, in the sum of one thousand dollars. The county clerk shall give bonds in the sum of four thousand dollars; also, as recorder, in the sum of three thousand dollars. The district attorney shall give bonds in the sum of four thousand dollars. The coroner shall give bonds in the sum of two thousand dollars. The public administrator shall give bonds in the sum of fifteen thousand dollars. The county surveyor shall give bonds in the sum of two thousand dollars. Sheriff.
Co. clerk.
Dist. att'y.
Coroner.
Administra'r
Surveyor.

SEC. 2. The bonds of the county officers in the county of Fresno shall be as prescribed in section first of this act, except that the sheriff of said county shall give bonds, as collector of foreign miners' licenses, in the sum of five thousand dollars. Bonds.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act, so far as they apply to the counties of Merced, Tulare, and Fresno, are hereby repealed. Act repealed.

CHAP. CLX.—*An Act to authorize the Boards of Supervisors of the several Counties of this State to grant the right to construct Wharves on the overflowed and submerged lands of this State.*

[Approved April 8, 1858.]

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

SECTION 1. Citizens of this state are hereby authorized to build wharves on the overflowed and submerged lands of this state, by complying with the provisions of this act; *Provided*, any wharf built by the authority of this act is not over one hundred and fifty feet in length, when built on a bold shore; and not over seventy-five feet in width, where extended into the water such a distance that water-craft may load and unload on two sides and one end of the same. Any wharf built by authority of this act, may extend into the water any distance that will not interfere with the free navigation of any bay, creek, inlet, or river, on which the same may be situated.

SEC. 2. Persons desiring to build wharves in front of their land, or in front of any public land of which they are in the lawful possession, on any of the submerged or overflowed land of this state, extending into navigable water, shall make a plan of the wharf they desire to build, and write thereon the name of the bay, creek, inlet, or river, on which the same is to be built; which plan shall be deposited with the recorder of the county in which the land is situated, to be entered on record.

SEC. 3. After the person wishing to build a wharf shall have deposited the plan, with the name of the creek, bay, inlet, or river, on which the same is to be built, written thereon, with the recorder, as required in the last preceding section, he shall petition the board of supervisors of the county in which the location is situated, (which petition shall be accompanied with the recorder's certified copy of the plan and name,) to grant to him the right prayed for, for a term of years not exceeding twenty-five.

SEC. 4. Upon the presentation of the petition and plan, as required in the last preceding section, to the board of supervisors of the county in which the location is situated, the said board are hereby authorized and empowered, if they believe the public good will thereby be promoted, to grant to the petitioner the right to erect the wharf prayed for, and to use the same for a term of years, not exceeding ten, together with the further right to keep unincumbered a strip of the overflowed and submerged land on each side of said wharf, fifty feet in width, from high-water mark to navigable water; which two strips of overflowed and submerged land shall be used for the purpose of landing and unloading of water-craft, and for no other purpose. Said board of supervisors may also grant to said petitioner the right of way over any swamp land belonging to the state, and lying between said wharf and the high or dry land, to the extent of fifty feet in width, for the same number of years for which the right to build and maintain the wharf is granted.

SEC. 5. All grants made by authority of this act shall be in

writing, and signed by a majority of the board of supervisors making the grant, and shall be recorded in the office of the county recorder of the county in which the wharf is to be located; which shall vest in the grantee, his heirs, executors, administrators, and assigns, the sole and exclusive right to use the land for the purposes set forth in this act. When the said rights shall have been granted, in accordance with the provisions of this act, the same shall remain inviolate; *Provided*, the grantee, or his legal representatives, shall keep the road and wharf in good repair, and fit for use at all times.

SEC. 6. When any wharf shall have been built under the au-^{Toll, etc.}thority of this act, the board of supervisors of the county where the same is located, shall fix reasonable rates of toll or wharfage, and furnish a certificate of such rates to said owner, who shall then be authorized to charge and collect the rates so fixed, and not otherwise; *Provided*, said board of supervisors may change or alter the rates, so fixed, as often as once in each year, after the first two years.

SEC. 7. All wharves constructed by authority of this act, shall ^{Taxation.} be deemed personal property, for the purpose of taxation, and shall be assessed and taxed as such, in the counties where they are located; but no tax-sale shall pass any greater right or title than this act allows to be granted by said supervisors. All transfers shall be by deed, and recorded in the county where the same is situated.

SEC. 8. The county recorders of the several counties of this ^{Fees for recording.} state, are hereby authorized and required to receive and record, in the same manner, and in the same order as the law requires them to receive and record deeds of real estate, all plans and deeds that may be made by authority of this act, and may demand and receive, in advance, the same rate of fees they are now allowed by law for similar services in the recording of deeds of real estate.

SEC. 9. All of the lands lying between Fort Point and Hunt-^{Exempted.}er's Point, in front of the city and county of San Francisco, or within the limits of any incorporated city in this state, are excluded from the provisions of this act.

SEC. 10. No grant made under the authority of this act, shall ^{Completion} vest in the grantee any right whatever, unless the wharf designed to be built shall have been finished in one year from the date of the grant.

CHAP. CLXI.—*An Act to amend "An Act to regulate Fees in Office," approved April tenth, one thousand eight hundred and fifty-five.*

[Approved April 8, 1858.] *

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

SECTION 1. The sheriff of the county of Tulare shall be entitled to charge and receive the same rates of fees in civil and criminal cases as are allowed to the sheriff of Mariposa county for similar services. ^{Sheriff of Tulare.}

Act repealed. SEC. 2. All acts or parts of acts, in conflict or inconsistent with the provisions of this act, are hereby repealed.

CHAP. CLXII.—*An Act to change the Time of holding the Court of Sessions and County Court of the County of Los Angeles.*

[Approved April 8, 1858.]

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

Court of sessions. SECTION 1. The court of sessions in and for the county of Los Angeles, shall be held on the first Monday of February, May, July, September, and November.

Co. court. SEC. 2. The county court in and for the county of Los Angeles, shall be held on the third Monday of January, April, June, August, and October.

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

Act repealed. SEC. 4. Sections forty-six and fifty-nine of an act concerning courts of justice of this state, and judicial officers, passed May nineteenth, one thousand eight hundred and fifty-three, so far as the same relate to the time of holding the general terms of the court of sessions and county court, in the county of Los Angeles, and all other acts or parts of acts in conflict herewith, are by this act repealed.

CHAP. CLXIII.—*An Act appropriating Money for transporting to the Insane Asylum certain Insane Convicts.*

[Approved April 9, 1858.]

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

Money appropriated. SECTION 1. The sum of four hundred and twelve dollars and fifty cents, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of paying John F. McCauley for transporting four insane convicts to the insane asylum at Stockton; and the Controller of State is hereby authorized to draw his warrant on the Treasurer for the same.

CHAP. CLXIV.—*An Act to audit the Claim of Pacific Express Company.*

[Approved April 9, 1858.]

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

Claim allowed. SECTION 1. The claim of Pacific Express Company for expressing matter furnished Senate in the year one thousand eight hundred and fifty-five, for the sum of thirteen hundred and sev-

enty-eight dollars and seventy-five cents, is hereby audited and allowed.

CHAP. CLXV.—*An Act to fix the Salary of the District Attorney of San Bernardino County.*

[Approved April 9, 1858.]

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

SECTION 1. From and after the passage of this act, the district ^{Salary.} attorney for the county of San Bernardino shall receive the sum of four hundred dollars for his yearly salary.

SEC. 2. All acts and parts of acts in conflict herewith, are by ^{Act repealed.} this act repealed.

CHAP. CLXVI.—*An Act to amend the " Act of April twenty-seventh, one thousand eight hundred and fifty-five, concerning Lawful Fences."*

[Approved April 9, 1858.]

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

SECTION 1. That so much of the " act of April twenty-seventh, ^{Act repealed.} one thousand eight hundred and fifty-five, concerning lawful fences," as excepts the county of Marin from the operation thereof, be, and the same is hereby, repealed.

CHAP. CLXVII.—*An Act to audit the Claim of Pacific Express Company.*

[Approved April 9, 1858.]

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

SECTION 1. The claim of Pacific Express Company, for ex- ^{Claim} pressing for State Treasurer's office, from February first to first ^{allowed.} day of October, one thousand eight hundred and fifty-six, for the sum of eight hundred dollars, is hereby audited and allowed.

CHAP. CLXVIII.—*An Act granting to Franklin A. Rogers leave of absence from the State.*

[Approved April 9, 1858.]

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

SECTION 1. Franklin A. Rogers, clerk of the county of Siski-

Leave of
absence.

you, has leave hereby granted to him to absent himself from the state for the period of four months, at any time during the term for which he was elected.

CHAP. CLXIX.—*An Act to amend an Act entitled "An Act to amend an Act entitled an Act to Fund the Debt of the County of Napa and provide for the payment of the same," approved February thirteenth, one thousand eight hundred and fifty-seven.*

[Approved April 10, 1858.]

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

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

Bonds for
warrants.

Section five—Any person holding true and lawful warrants against the county of Napa, as provided in the third section of this act, shall have the privilege of receiving in exchange therefor ten per cent. bonds, as provided for in the first section of this act; and the treasurer is hereby directed and authorized to issue said bonds to the persons holding said warrants, at the rate of dollar for dollar, including the interest which may have accrued on the said warrants, on the first day of October, one thousand eight hundred and fifty-six; *Provided*, said warrants be presented at any time between the first day of October, one thousand eight hundred and fifty-six, and the first day of June, one thousand eight hundred and fifty-eight, to the treasurer of said county.

Proviso.

CHAP. CLXX.—*An Act to audit and allow the Claim of the Sacramento Gas Company.*

[Approved April 10, 1858.]

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

Claim
allowed.

SECTION 1. The claim of the Sacramento Gas Company, for gas and fixtures furnished the state in the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six, is hereby audited and allowed for the sum of nine hundred and two dollars and fifty-eight cents.

CHAP. CLXXI.—*An Act to provide for the better observance of the Sabbath.*

[Approved April 10, 1858.]

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

SECTION 1. No person or persons shall, on the Christian Sab-

bath, or Sunday, keep open any store, warehouse, mechanic shop, work-shop, banking-house, manufacturing establishment, or other business house, for business purposes; and no person or persons shall sell, or expose for sale, any goods, wares, or merchandise, on the Christian Sabbath, or Sunday; and every person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of fifty-dollars, together with the costs of the prosecution; and the judgment shall also order that the defendant shall be imprisoned until the same shall be satisfied, which imprisonment shall not exceed one day for every two dollars of such fine and two dollars costs, or in that proportion.

Prohibition.

Penalty.

SEC. 2. The provisions of section one of this act shall not apply to, or in any manner affect, the business of hotel-keepers, inn-keepers, tavern-keepers, keepers of restaurants, boarding-house-keepers, keepers of livery-stables; or the retail business of druggists, or dealers in medicines; or the sale of fresh meats, fish, or milk; or to the sale or disposal of any article, or thing, or to any act, or thing, done in cases of necessity, or charity, on such Sabbath or Sunday; nor shall the provisions of said section one apply to such manufacturing or other business establishment as necessarily require to be kept in continual operation to accomplish the business thereof.

Exemption.

SEC. 3. The provisions of this act shall not be so construed as to conflict with, or in any manner affect, the provisions of an act entitled "an act to prohibit barbarous and noisy amusements on the Christian Sabbath," passed March sixteenth, one thousand eight hundred and fifty-five; *Provided*, that any person who shall sell, or expose for sale, milk, fish, or fresh meat, after ten o'clock, A. M., shall be liable to all the penalties of section one of this act.

Not to conflict.

Proviso.

SEC. 4. This act shall take effect on and after the first day of June, A. D. one thousand eight hundred and fifty-eight.

CHAP. CLXXII.—*An Act amendatory of and supplementary to "An Act to incorporate the City of Nevada," approved April nineteenth, one thousand eight hundred and fifty-six.*

[Approved April 10, 1858.]

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

SECTION 1. Section eight of an act to incorporate the city of Nevada, approved April nineteenth, one thousand eight hundred and fifty-six, is hereby amended so as to read as follows:

Section eight—The board of trustees shall have power to make such by-laws or ordinances, not inconsistent with the constitution and laws of the United States, and of this state, as they may deem necessary, to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows, lawful games, and bars where spirituous liquors are sold; construct pumps, aqueducts, reservoirs, or other works necessary for duly supplying the city with water; to provide such means as they

Board of trustees. Powers.

may deem necessary, to protect the city from injuries by fire; to lay out, alter, keep open, and repair the streets and alleys of the city; to levy and collect, annually, a tax on all property in the city not exceeding one-half of one per centum on the assessment valuation thereof; to levy and collect a poll-tax of not exceeding one dollar per annum, on every male inhabitant of twenty-one years of age and upwards; to levy and collect the road-tax, established by general law, on every able-bodied male inhabitant between the ages of twenty-one and fifty years, said tax to be faithfully applied to road and street purposes within the incorporate limits of the city; to impose and collect a tax on dogs, not exceeding six dollars per annum, on every dog found running at large within the incorporate limits of the city; to provide for the impounding of swine and cattle; and to pass such other by-laws and ordinances for the regulation, police, and public good of said city, as they may deem proper.

SEC. 2. Section twenty-one is hereby amended so as to read as follows:

Limitation. Section twenty-one—The board of trustees of the city of Nevada shall not contract any liabilities, either by borrowing money, loaning the credit of the city, or contracting debts which, singly or in the aggregate, shall exceed the sum of one thousand dollars.

SEC. 3. Sections nineteen and twenty of said act are hereby repealed.

Receipts. SEC. 4. The board of trustees shall procure suitable blank receipts for each kind of tax and license, which they shall issue to the marshal in certain numbers, taking his receipt therefor, and holding him responsible for the same, and no other form of receipts shall be given in receipt for taxes or licenses; said receipts shall be signed by the clerk of the board of trustees.

CHAP. CLXXIII.—*An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax for School purposes.*

[Approved April 10, 1858.]

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

Special tax. SECTION 1. The board of supervisors of San Joaquin county are hereby authorized and empowered to levy and collect, in addition to the revenue now authorized for school purposes, a special tax on all real and personal property within the county, of not exceeding twenty cents on the each one hundred dollars' valuation of such real and personal property; such tax to be assessed and collected at the same time and in the same manner as are assessed and collected other taxes for county purposes, and the amount of taxes so collected shall be applied only to the support of common schools within said county.

Apportioned SEC. 2. All moneys raised in accordance with the provisions of this act shall be paid into the county treasury as a special deposit, and shall be apportioned by the county superintendent of common schools among the towns, cities, and school districts,

within the county, upon the basis provided by act of May third, one thousand eight hundred and fifty-five, for the apportionment of state school moneys, and drawn from the county treasury on the warrant of the county superintendent, as therein provided.

CHAP. CLXXIV.—*An Act to repeal in part an Act entitled "An Act to Fund the Debt of Sierra County, and to provide for the payment of the same," approved March twenty-ninth, one thousand eight hundred and fifty-six.*

[Approved April 10, 1858.]

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

SECTION 1. Section second of an act entitled "an act to fund Act repealed. the debt of Sierra county and to provide for the payment of the same," approved March twenty-ninth, one thousand eight hundred and fifty-six, is hereby repealed.

CHAP. CLXXV.—*An Act to declare Nueces and Diablo Creeks, in the County of Contra Costa, navigable streams.*

[Approved April 10, 1858.]

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

SECTION 1. Nueces and Diablo Creeks, in the county of Navigable streams. Contra Costa, the first named creek from its outlet in Suisun Bay, to a point one-half mile above the warehouse of Gorge P. Loucks, on said creek ; and Diablo Creek, from its junction with the Nueces, to a point opposite the warehouse of Frank Such, on said creek, are hereby declared navigable streams.

CHAP. CLXXVI.—*An Act Creating a State Land Office for the State of California.*

[Approved April 10, 1858.]

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

SECTION 1. That, for the purpose of ascertaining, protecting, State land office. and managing the title and claim of the state to any lands within its limits, derived by grants from the United States, or in any other manner, an office shall be established at the seat of government, which shall be known and designated as the "State Land Office for the State of California."

SEC. 2. The chief officer of said land office shall be known Register, ex officio and designated as the register of the state land office, whose duties shall be such as may be prescribed by law. The Surveyor

General shall be *ex officio* said register, until otherwise provided by law, but, before entering upon the duties of his office, the register shall take an oath for the faithful performance of his duties, and to support the constitution.

Duty.

SEC. 3. It shall be the duty of said register to correspond with the United States Surveyor General, with the view of learning when any of the United States deputy surveyors are making surveys adjoining to any of the swamp lands of this state, and on learning that said deputies are making surveys adjoining swamp and overflowed land, said register shall authorize a competent surveyor to go with said deputies, and agree with him or them upon the line of demarkation between the state and United States lands. Said surveyor, appointed as aforesaid, is hereby authorized to summons witnesses to prove whether the lands are or not swamp lands; and the line agreed upon between the United States deputy surveyor and the surveyor so appointed under the provisions of this act, shall be deemed the line between the state and the United States government land, and said surveyor shall return, within twenty days after such line or lines of demarkation has been agreed upon, to the register of the state land office, with maps and a full description of said lines so established.

Compensat'n

Said surveyor shall receive for his compensation ten dollars per day, to be paid out of the swamp land fund; and it shall be the further duty of said register to ascertain, by all practicable means, the extent, limits, and boundaries, or other description, of all the lands to which the state is or may be entitled, and have the title vested in the state; and, whenever necessary, to agree upon the same with the proper officers of the United States, and other persons, and to procure copies of any plats or other documents relating to or exhibiting any such lands.

Records of school lands.

SEC. 4. It shall be the duty of the said register to keep separate and distinct books, records, and accounts, in relation to each class of lands to which the state may be entitled. He shall keep, in a well bound set of books, a complete record of all lands that have been, or may hereafter be, selected by the proper agents of the state, as a portion of the five hundred thousand acres granted to the state for school purposes, showing the number of acres, the description of the land, by range, township, and section, the name of original purchaser, and his legal representatives; the name of the selecting or locating agent; the price per acre, and the number of the school-land warrants under which the same may have been located; and if the land has been confirmed, or patented to the state by the proper authorities of the United States, to record the fact.

Books and plats.

SEC. 5. The register shall also keep, in a well bound set of books, a complete record, together with the proper plats of all the lands to which the state is entitled by virtue of "an act of Congress, passed September twenty-eighth, one thousand eight hundred and fifty, entitled 'an act to enable the state of Arkansas, and other states, to reclaim swamp lands within their limits;'" and, in the proper books, he shall keep a record of all such lands as have been or may be sold by the proper agents of the state, exhibiting therein, in a clear and concise manner, the amount of land purchased, the price per acre, a concise description by range, township, and section, when practicable; the name

of the original purchaser, or when assigned or transferred; the name of the assignee or person to whom transferred; the date of certificate of purchase, with proper reference to the books in which said certificate may be registered; and, in cases where but part payment is required by law, to state the amount paid, and the amount still due; and, in like manner, shall keep separate and distinct records of all other lands to which the state is now or may hereafter be entitled, by any act of Congress, or by virtue of her own sovereignty, either for common school, internal improvements, university purposes, or any other specific object or purpose whatsoever.

Separate and distinct rec'd

SEC. 6. When any county surveyor, or other agent of the state, shall survey or locate, in accordance with law, for parties requiring the same, any portion of the domain of the state, it shall be his duty to transmit duplicate copies of the survey, or description of the same, to the Surveyor General of the State, within ten days after such survey or selection shall be made, and when, upon examination, the Surveyor General shall find such survey or description to be in accordance with law, it shall be his duty, as soon as practicable, to return one copy of the same, with his approval endorsed thereon, to the county surveyor or locating agent, for the use and benefit of the purchaser; he shall, also, transmit one approved copy to the register of the land office of the state.

Duplicates of surveys.

SEC. 7. The purchaser, or purchasers, of lands of the state, under the provisions of any act that has been or may be passed, shall present such plat and field notes to the county treasurer, approved by the Surveyor General as aforesaid, and at the same time shall pay to the county treasurer such price for the land described as has been or may be fixed by law, and take from said treasurer duplicate receipts for the same, and have such receipt recorded in the office of the county auditor immediately upon the receipt of the same; and it shall be the duty of the county auditor to certify a copy of said receipt to the register of the land office within ten days from the date of the record of the same.

Field notes.

SEC. 8. It shall be the duty of the county treasurer of each county to pay over to the Treasurer of State, at the same time and in the same manner as state revenues, all moneys, Controller's warrants, or other indebtedness of the state, received by him as payment for any lands sold by the state, and shall take the State Treasurer's receipt for the same, which receipt shall be countersigned by the register, and shall at the same time furnish to the Treasurer of State a certificate, showing the name of the purchaser, together with a brief description of the land, the number of acres purchased, and price per acre, and whether paid in money, Controller's warrants, or other evidences of indebtedness, describing the same, and if several, the amount of each.

Moneys.

SEC. 9. When the register shall have countersigned the receipt of the State Treasurer, it shall be his duty to enter the sale upon the map and proper books of his office, and then to issue to the purchaser a certificate of purchase, bearing the seal of his office, countersigned by the State Treasurer, properly describing the tract sold, the amount paid, and the amount due, and when pay-

Certificate.

able, with other particulars of sale, and stating that when payment in full has been made, the party purchasing, his heirs or assigns, will be entitled to a patent, provided the land has been confirmed to the state by the general government; but if default is made in making such payment, the tract will revert to the state, and all previous payments be forfeited. Such certificate, and all rights acquired thereby, shall be subject to sale and transfer, by deed or assignment, executed and acknowledged before any officer authorized to take acknowledgments of deeds, or before the said register. Full entries of all sales made, and certificates issued, shall be kept by the said register, in proper books of his office.

Payments. SEC. 10. All subsequent payments shall be made to the county treasurer, who shall endorse the receipt therefor upon the certificate of purchase, and the receipt shall be recorded in the office of the county auditor, whose duty it shall be to certify the same to the register of the land office, in the same manner as provided for in first payments.

Final payment. SEC. 11. Whenever final payment shall be made for any tract so sold, and after the same shall have been confirmed to the state by the general government, it shall be the duty of the said register, upon the surrender of the original certificate of purchase, to prepare a patent for the same, conveying to the party entitled thereto, according to evidence filed in his office, all the right and title of the state to said land, which patent, after being signed by the Governor, countersigned by the said register, and authenticated by his official seal, shall be recorded in full in books kept in his office.

Accounts. SEC. 12. The register shall charge the State Treasurer with all moneys received by him for payment for lands, particularly showing to what funds said moneys belong; and on the first Monday of every month he shall certify said accounts to the Controller of State, and it shall be the duty of the Controller and Treasurer to keep separate and distinct accounts of all moneys received or disbursed upon account of each kind or description of land granted to or belonging to the state, according to the object for which the grants were made, or to which the proceeds of sale may be applicable.

Seal of office. SEC. 13. The register shall have a seal of office bearing such inscription and device as the Governor may direct, and copies, or extracts of any documents, papers, or records, of his office, duly authenticated by him, under said seal, shall have the same effect and efficiency in the courts of the state as the originals would have.

Salary. SEC. 14. The said register shall have a salary of five hundred dollars per annum, payable monthly, and be entitled to appoint one clerk in his office, who shall receive for his services such salary as may be fixed by law, and the proper officers of the state be, and the same are hereby, authorized and required to pay the same, and such contingent and other expenses of the office of said register as may be allowed by law. The register shall be entitled to a fee of fifteen cents per folio for all copies of papers furnished by him, to be paid by the party applying; and, for the certificate of purchase, with seal of office attached, he

shall be entitled to receive, from the purchaser, three dollars for each certificate or patent issued.

SEC. 15. The Surveyor General, register, county surveyors, and agents authorized by law to locate state lands, shall have power to administer oaths and affirmations required or allowed by law, in matters touching the duties of the office. Affidavits.

SEC. 16. The Surveyor General and register are hereby authorized to issue all the necessary instructions for the proper fulfillment of the requirements of this act. When there are conflicting claims to any lands of the state, the register may administer oaths, and shall, upon proper notice to the parties, and upon hearing testimony and statements under oath, decide to whom the certificate shall be issued, in accordance with the law upon the subject, and shall issue the certificate accordingly. Conflicting claims.

SEC. 17. To enable the register to make out a complete registry of all lands heretofore sold by the state, all officers in whose possession there may be any books or papers relating to the sale of land, are hereby authorized and required to allow the register free access to the same. Access to books.

CHAP. CLXXVII.—*An Act to amend an Act entitled "An Act to fix the time for holding the terms of the District Courts throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three, approved May fourth, one thousand eight hundred and fifty-five, and to repeal an Act to fix the time for holding the terms of the District Court of the Second Judicial District."*

[Approved April 10, 1858.]

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

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

Section three—In the second judicial district, in the county of Santa Barbara, on the third Monday of March, August, and December. In the county of San Luis Obispo, on the second Monday of February, July, and November. Second judicial district.

SEC. 2. An act entitled "an act to fix the time for holding the terms of the district court of the second judicial district of this state," approved February seventh, one thousand eight hundred and fifty-five, is hereby repealed. Act repealed.

SEC. 3. This act shall take effect from and after the first day of June, one thousand eight hundred and fifty-eight.

CHAP. CLXXVIII.—*An Act to authorize the issuance of Duplicates for certain lost School-Land Warrants.*

[Approved April 10, 1858.]

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

Duplicates
issued.

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to George W. Stanton, of the county of Yuba, and O. M. Evans, of the county of Butte, or to their agents or attorneys, the following described California school-land warrants, viz.: To George W. Stanton, duplicates for land warrants numbers one hundred and seventy-eight (178) and one hundred and seventy-nine (179); and to O. M. Evans, duplicates for land warrants numbers four hundred and sixty-six (466) and six hundred and eleven (611).

SEC. 2. The said warrants shall be signed by the Treasurer and Controller of State, and endorsed by the Governor, and shall be written across the face thereof, "Duplicate."

Indemnity.

SEC. 3. Before any of said duplicate school-land warrants shall be delivered to any of the persons hereinbefore named, the Treasurer shall demand and receive from each, bonds of indemnity in the sum of six hundred and forty dollars; said bonds shall be payable to the state of California, conditioned against the appearance or presentment for location of the original school-land warrants hereinbefore named.

Sureties.

SEC. 4. Said bonds of indemnity shall be executed by at least two good and sufficient sureties, to be approved by the Treasurer of State.

CHAP. CLXXIX.—*An Act fixing the Compensation of the Members of the Board of Supervisors of Stanislaus County.*

[Approved April 10, 1858.]

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

Compensat'n

SECTION 1. That each member of the board of supervisors of Stanislaus county shall be entitled, for his services, for each day's necessary attendance on the business of the county, a sum, to be fixed by the board, not exceeding six dollars, and not to exceed, in the aggregate, for mileage and *per diem*, during any one year, two hundred dollars; and he may receive twenty-five cents per mile for each mile necessarily traveled in going to and returning from the county seat; *Provided*, that no charge shall be made for more than one trip, going and returning from the residence of such supervisor, at each term held; *And provided*, that no supervisor shall be allowed more than one day's *per diem* for any one day, by reason of his being on any committee of said board, or any other cause.

Act repealed.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act, so far as relates to Stanislaus county, are hereby repealed.

CHAP. CLXXX.—*An Act to authorize the Congregation of Saint Patrick's (Catholic) Church, in the City of Stockton, to remove the remains of deceased persons.*

[Approved April 10, 1858.]

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

SECTION 1. The congregation of Saint Patrick's (Catholic) Church in the city of Stockton, are hereby authorized and empowered to remove the remains of persons buried, or to be buried, in the present burying-grounds within the limits of said city, to the new burying-ground without the limits of said city. Remains to be removed.

CHAP. CLXXXI.—*An Act amendatory of and supplementary to an Act entitled "An Act to provide for the formation of Corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, and "An Act entitled an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, passed April thirtieth, one thousand eight hundred and fifty-five.*

[Approved April 10, 1858.]

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

SECTION 1. That section one of an act entitled "an act to provide for the formation of corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, be and the same is hereby amended so as to read as follows :

Section one—Corporations for manufacturing, mining, mechanical, wharfing and dockage, chemical, or agricultural purposes, or for the purpose of engaging in any species of trade or commerce, foreign or domestic, may be formed according to the provisions of this act ; such corporations and members thereof being subject to all the conditions and liabilities herein imposed, and to none others ; *Provided*, that nothing in this section shall be so construed as to authorize a company formed under it to own or hold possession of more than fourteen hundred and forty acres of land, or to authorize an individual member of such company or association, in his corporate capacity, to hold, own, or possess a number of acres to exceed eighty ; *And provided, further*, that no corporation formed under the provisions of the said act of April fourteenth, one thousand eight hundred and fifty-three, except those formed for agricultural purposes, shall own or hold possession of more real estate than shall be actually necessary for the prosecution of the business for which it was incorporated ; *And provided, further*, that no corporations, formed for agricultural purposes, shall be allowed to hold any mineral lands under the provisions of this act. Corporations
Proviso.

Proviso. SEC. 2. Provided that no contract valid in law, or right sacred in equity, shall be impaired by the retroactive force of this section; *Provided*, that nothing in this section shall be so construed as to authorize a company formed under it to own or hold possession of more than fourteen hundred and forty acres of land.

CHAP. CLXXXII.—*An Act to provide for Binding Minors as Apprentices, Clerks, and Servants.*

[Approved April 10, 1858.]

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

Minors may bind with consent. SECTION 1. Every minor, male or female, with the consent of the persons or officers hereinafter mentioned, may, of his or her own free will, bind himself or herself in writing, to serve as clerk, apprentice, or servant, in any profession, trade, or employment; if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or for any shorter time; and such binding shall be as valid and effectual as if such infant was of full age, at the time of making such engagement.

Consent to be given. SEC. 2. Such consent shall be given: *First*, by the father of the infant. If he be dead or be not in a legal capacity to give his consent, or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the township or county, or sworn to by a credible witness, and such certificate or affidavit be endorsed on the indenture, then: *Second*, by the mother. If the mother be dead, or be not in a legal capacity to give such consent or refusal, then: *Third*, by the guardian of such infant, duly appointed. If such infant have no parent living, or none in a legal capacity to give consent, and there be no guardian, then: *Fourth*, by the supervisors of the county, or any two justices of the peace, or the judge of the probate court of the county.

In writing. SEC. 3. Such consent shall be signified in writing, by the person entitled to give the same, by certificate at the end of or endorsed upon the indentures, and not otherwise.

Executors. SEC. 4. The executors of any last will of a parent who shall be directed in such will to bring up his or her child to some trade or calling, may bind such child to service as a clerk or apprentice in like manner as the father might have done if living.

Supervisors SEC. 5. The supervisors of the county may bind out any child under the age above specified, who is or shall become chargeable to such county, to be clerks, apprentices, or servants, until they shall be of the ages above specified, which binding shall be as effectual as if such child had bound himself with the consent of his father.

Town officer. SEC. 6. In every town or city, the presiding officer of the first council or legislative board thereof, if there be more than one, or any public officer or officers appointed to provide for the poor, may, in like manner, bind out any child, who, or whose

parent or parents are, or shall become, chargeable to any such town or city.

SEC. 7. The age of every infant so bound shall be inserted in the indentures, and shall be taken to be the true age without further proof thereof; and whenever any public officers are authorized to execute any indentures, or their consent is required to the validity of the same, it shall be their duty to inform themselves fully of the infant's age. Age of minor

SEC. 8. Every sum of money paid or agreed for, with or in relation to the binding out of any clerk, apprentice, or servant, shall be inserted in the indentures. Money.

SEC. 9. The indentures shall also contain an agreement on the part of the person to whom such child shall be bound, that he will cause such child to be instructed to read and write, and to be taught the general rules of arithmetic, or in lieu thereof that he will send such child to school three months of each year of the period of indenture. Education.

SEC. 10. The counterpart of any indentures executed by any county, or city, or town officers, shall be by them deposited in the offices, respectively, of the clerk of any such county, city, or town. Recorded.

SEC. 11. Any white person capable of becoming a citizen of this state, coming from any other country, or state, or territory, may bind him or herself to service, if a minor, until his or her majority, or for any shorter term. Such contract, if made for the purpose of raising money to pay his or her passage, or for the payment of such passage, may be for the term of one year, although such term may extend beyond the time when such person will be of full age, but it shall in no case be for a longer term. Alien minors

SEC. 12. No contract made under the last section shall bind the servant, unless duly acknowledged by the person making such contract, before some public magistrate or other officer authorized to administer oaths, and such acknowledgment certifying that the same was made freely on a private examination, be endorsed upon the contract. Acknowledgment.

SEC. 13. Nothing in this act shall concern, or in any manner affect or relate to Indians; and every person having one-half or more of Indian blood shall be deemed an Indian within the provisions of this act. Indians.

SEC. 14. Such indentures of apprenticeship may be annulled and declared void by any district court, or a judge thereof, or by a county court, or a judge of such court, in the county where the master, or person to whom such apprentice is bound, shall reside, upon satisfactory proof of either of the following named causes: Indentures annulled.

First—Fraud in the contract of indenture. First.

Second—When such contract is not made or executed in accordance with the provisions of this act. Second.

Third—For willful nonfulfillment, by such master, of the provisions of such indenture. Third.

Fourth—Cruelty or maltreatment of such apprentice, by the master, without just cause or provocation. Fourth.

And in such case an account may be taken and adjusted by such court or judge for any services rendered by the apprentice. Account.

for the master under the articles of such indenture; and, in case such indenture shall be annulled, judgment may be given for such sum as may be found equitably due the apprentice, on account of any services so performed by him for such master.

Application
for annulling

SEC. 15. For the purpose of annulling such contract of apprenticeship, and recovering for services as aforesaid, application shall be made, either in term-time or vacation, by such apprentice, or on his behalf, but always in his name; which application shall be made by petition, verified by oath, stating the grounds on which such application is made, the amount claimed, if any, for such services, and praying for the relief demanded. Such petition shall be filed with the clerk of the court, who shall immediately issue a citation thereon, duly certified, stating the grounds of such application as set forth in the petition, and the relief sought thereby. The citation shall also designate the time and place for the hearing of the application, and shall be directed to such master, and shall require him to appear and answer such petition, at the time and place so designated, or in default thereof proof thereon will be heard in his absence, and such judgment as the right of the case will be rendered upon such petition; such citation shall be served at least five days before the day appointed therein for the hearing as aforesaid, by such person or officer (in the same manner and with the like effect) as are authorized to serve summons in civil cases in courts of record. And on the day appointed for the hearing of the petition, such master may file his answer, in writing, verified like the petition, setting forth any just cause why the prayer of the petitioner should not be granted; and upon such pleadings, the court or judge in term-time or vacation, shall hear the proofs of the parties, who shall be styled plaintiff and defendant, as in civil cases in the same manner, and shall determine the case in all respects as chancery cases are tried and decided under the civil practice act, and may annul such indentures, and grant any remedy or relief provided in this act, either with or without costs. But no adjournment or continuance of the case shall be granted, for any cause, for a longer period than ten days for any one time, and the decision of such court or judge shall be final.

Punishment
for flying
from service.

SEC. 16. Any person held to service under the provisions of this act, and unlawfully departing and absenting himself or herself therefrom, upon the application of the master or mistress of such person, under oath, in writing, to the county judge of the county, that such person has absented himself or herself without permission, the judge may issue a writ reciting the substance of the affidavit, and commanding that such person be brought before him; the writ may be served by any officer authorized to make arrests, and if, upon the person being brought before him, and upon an examination of the matter, he is satisfied that such person is legally held to service, and has absented himself or herself without just cause, he shall order the person held to service to return to the care and custody of the person lawfully entitled to such service or labor. If such person persist in refusing to return, or returning, immediately absent himself or herself without leave, such judge may order such person held to service to be confined in the county jail, station-house, or house of refuge, for such time as he may deem proper, not to exceed one month;

or, at the instance of the master or mistress, may annul the indentures.

SEC. 17. Any person who shall aid, assist, or encourage any person to run away, or harbor or conceal any person held to labor, knowing the same to be absent without leave of the master or mistress, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars. Accomplishes.

CHAP. CLXXXIII.—*An Act to extend the time for making the assessment and collection of Taxes in the County of Siskiyou.*

[Approved April 12, 1858.]

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

SECTION 1. The time for making the assessment, and making out the original assessment roll, in the county of Siskiyou, is hereby extended to the first Monday in October; and all acts and things required to be done by the county assessor of said county pertaining to the assessment roll, on the first Monday of August of each year, by the act entitled an act to provide revenue for the support of the government of this state, approved April twenty-ninth, one thousand eight hundred and fifty seven, shall be done on the first Monday in October, and the board of equalization of said county shall meet on the second Monday in October, for the purpose of performing such duties as are required of them by said act, on the second Monday of August. Time extended.

SEC. 2. On the third Monday in December in each year, the tax collector of said county shall perform the duties required to be done by section thirteen of said act on the third Monday of October; and on the Saturday next preceding the third Monday in January, the said tax collector shall perform such duties as are required of him in section fourteen of said act, to be done on the Saturday next preceding the third Monday in November. He shall, also, on or before the fourth Monday in January, perform such duties as are required of him in section fifteen of said act, to be done on or before the fourth Monday in November; and all sales of real estate and improvements, for taxes, shall be completed within one week from the day fixed by said act for the commencement of such sales. The tax collector of said county shall, annually, on the first Monday in March, do and perform such duties as are required of him, by section forty-three of said act, to be done on the first Monday in February. Sales to be completed in one week.

SEC. 3. So much of the act of April twenty-ninth, one thousand eight hundred and fifty-seven, aforesaid, as conflicts with the provisions of this act, is hereby repealed. Act repealed.

CHAP. CLXXXIV.—*An Act amendatory of an Act entitled an Act to establish a Standard of Weights and Measures, passed March thirtieth, one thousand eight hundred and fifty, and to amend an Act entitled an Act to amend an Act entitled an Act to establish a Standard of Weights and Measures, passed March thirtieth, one thousand eight hundred and fifty—passed April thirtieth, one thousand eight hundred and fifty-three.*

[Approved April 12, 1858.]

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

SECTION 1. Section fourteen of the act passed March thirtieth, one thousand eight hundred and fifty, entitled an act to establish a standard of weights and measures, is hereby amended so as to read as follows :

Sec. of State
ex officio
State Sealer.

Section fourteen—The Secretary of State shall be, *ex officio*, State Sealer of Weights and Measures; and he is hereby required to appoint a sufficient number of deputy or county sealers, not to exceed one in each county, who shall perform the duties required under the existing acts regulating weights and measures, now in force, or which may hereafter be in force, in this state. The deputies, or county sealers, shall hold office for two years after their appointment.

SEC. 2. Section first of the act passed April thirtieth, one thousand eight hundred and fifty-three, to amend the act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, is hereby amended so as to read as follows :

Deputies.

Section one—It shall be the duty of each and every deputy or county sealer, who may be appointed under section first of this act, to procure, at the expense of the county in which he may be appointed, a complete standard of weights and measures, in conformity with that established by the Congress of the United States, which shall consist of a yard, a pound weight, liquid gallon, and a half-bushel, and the usual subdivisions of such weights and measures; the said standards to be examined and certified to by the Secretary of State, who shall procure, at the expense of the state, a complete standard of weights and measures, in conformity with this act.

Penalty.

SEC. 3. All persons using any weights, measures, or beams, by which any commodity or article of trade or traffic is weighed or measured, shall have the same certified to by the deputy or county sealer, at least once in each year. And any person hereafter using any such weights, measures, or beams, not conformable to the standard of the county in which such weights, measures, or beams, are used; or, without having such weights, measures, or beams, first certified to as aforesaid, shall be liable to a criminal prosecution therefor, and, upon conviction, shall be fined in any sum not less than twenty-five nor more than two hundred dollars for each and every offence. Said fines shall be paid to the county treasurer, for county purposes.

Violations
to be report'd

SEC. 4. It is hereby made the duty of the deputy or county sealers, to report immediately to the district attorney of the

county for which they may act, all violations of section three of this act that may come to their knowledge, whose duty it shall be to prosecute all persons so offending.

SEC. 5. The deputy or county sealers, shall have power to inspect, at any time in the daytime, all such weights, and measures, or beams, at or in the places they are so used. And any person refusing to allow such inspection, upon reasonable request, shall be liable to the penalties of section three of this act. Refusal.

SEC. 6. The provisions of all acts in conflict with this act are hereby repealed. Act repealed.

CHAP. CLXXXV.—*An Act supplementary to and amendatory of an Act entitled "An Act supplementary to and amendatory of an Act entitled an Act to provide for the sale of the Interest of the State of California in the Property within the Water-Line Front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the Disposition of certain Property of the State of California," passed March twenty-sixth, one thousand eight hundred and fifty-one—passed May eighteenth, one thousand eight hundred and fifty-three.*

[Approved April 12, 1858.]

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

SECTION 1. That said board, specified in the act entitled "an act supplementary to and amendatory of an act entitled an act to provide for the sale of the interest of the state of California in the property within the water-line front of the city of San Francisco, as defined in and by the act entitled an act to provide for the disposition of certain property of the state of California," passed March twenty-sixth, one thousand eight hundred and fifty-one—passed May eighteenth, one thousand eight hundred and fifty-three, is hereby authorized and empowered to require the agent or clerk who shall have been appointed by it, or who may hereafter be appointed by it, under and by virtue of the provisions of said act, to report to it in writing, and under oath, showing the land or property of the state sold under and by virtue of the provisions of said act, whilst he was acting as such agent or clerk; to whom the same was sold; the terms of sale; the price paid; to whom paid; and the disposition made of any and all moneys which may have come into his hands when acting as such agent or clerk. And said board may, also, at any time, require such agent or clerk to deliver to it, or some member thereof, any or all books, papers, or vouchers, pertaining to the transactions of said board, or of said agent or clerk, as such. Agent required to report.

SEC. 2. That if said agent or clerk shall neglect or refuse to make the report, or deliver the books, papers, or vouchers, named in section one of this act, within ten days from and after the same shall have been required by said board, as provided in said section, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in a sum not less than one hundred dollars, nor over five thousand dollars, and may be imprisoned until such fine be paid; Punishment for refusal.

and said board, or any member thereof, may apply upon five days' previous notice thereof, to the district court of the district in which said agent or clerk shall then reside, for an order compelling said report, or the delivery of such books, papers, or vouchers, or any of them; and said district court may, after hearing the allegations and proofs of the parties, make the order applied for; and a failure to comply with such order shall be deemed a contempt of said court, and may be punished as such.

Failure to
pay.

SEC. 3. That if said agent or clerk shall fail or refuse to pay over to the Treasurer of State, on the warrant of the Controller, any money which has come into his hands as such agent or clerk, within ten days after demand of the same shall have been made by such treasurer or his clerk, then said agent or clerk so failing or refusing to pay over such money, shall be deemed guilty of a felony, and punished by imprisonment in the state prison for a period of not less than one year nor more than five years; *Provided*, that no prosecution shall be maintained under this act where the sum not paid over is less than one hundred dollars.

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

CHAP. CLXXXVI.—*An Act entitled an Act to Incorporate the Town of Petaluma.*

[Approved April 12, 1858.]

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

Name and
style.

SECTION 1. The people of the town of Petaluma shall be a body politic and corporate, under the name and style of the City of Petaluma, and by that name have perpetual succession to sue and defend in all courts, and in all actions and proceedings; to purchase, receive, and hold property, and to sell or otherwise dispose of the same for their common benefit; and may have a common seal, and alter the same at pleasure.

Limits.

SEC. 2. The corporate limits of the city of Petaluma shall be as follows: Commencing at the south-west corner of Main and English streets, in the town of Petaluma, Sonoma county, and state of California; thence south, three-fourths of a mile; thence, at right angles, west, three-fourths of a mile; thence north, one mile and a half; thence east, one mile and a half; thence south, one mile and a half; thence west, three-fourths of a mile, including an area within said limits, of two square miles and one-fourth, which shall be known as the City of Petaluma.

Board of
trustees.

SEC. 3. The corporate powers and duties of the city of Petaluma shall be vested in five trustees, who shall be elected by the qualified electors of the city on the third Monday in April in each year; and shall hold their offices for the term of one year, and until their successors are chosen and qualified.

Officers of
board.

SEC. 4. The board of trustees shall assemble on the first Monday after their election, and after taking the oath of office, shall choose a president from their number, and some person as clerk. They shall, by ordinance, fix the times and places of holding

their stated meetings, and may be convened by the president at any time; and any three of them shall constitute a quorum for the transaction of business.

SEC. 5. The board of trustees shall judge of the election returns and qualifications of their own members, and determine contested elections of all city officers. They may establish rules for their own proceedings, and punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their own proceedings, and upon the request of any member, shall cause the yeas and nays to be taken on any question before them, and entered upon the journals; and their proceedings shall be public; and in case of vacancy by death, resignation, or otherwise, the remaining trustees shall have power, and are required, to fill such vacancy by appointment.

SEC. 6. There shall also be elected, at each annual election of the city of Petaluma, a recorder, treasurer, assessor, and marshal, who shall hold office for one year, and until their successors are elected and qualified. The marshal shall be collector of all taxes levied by the board; and the trustees shall have power to remove all officers appointed by them, at pleasure. They shall have power to prescribe the duties and fix the compensation of all city officers not herein provided; and fill, by appointment, all offices becoming vacant by death, resignation, or otherwise, till the next general election.

SEC. 7. No person shall be qualified to hold office under the city charter, who shall not have been an actual resident of the town of Petaluma for six months immediately preceding the election, and a qualified elector under the constitution and laws of this state. All qualified electors who have resided in this town thirty days next preceding the election, shall be entitled to vote at all city elections.

SEC. 8. All city officers, before entering upon the duties of their office, shall take the oath prescribed by the constitution; and the treasurer, recorder, assessor, and marshal, shall give bonds for the faithful performance of the duties of their respective offices, payable to the city of Petaluma, in such penalties as the board may direct by ordinance, and to be approved by and filed with the board of trustees, who may at any time require of any such officer such additional bond as they may think necessary; and upon failure of any officer to comply with such order, they may declare the office vacant, and fill the same by appointment.

SEC. 9. The board of trustees shall have power, and it is hereby made their duty, to make such by-laws and ordinances, not inconsistent with the laws and constitution of the United States and of this state, as they may deem necessary; to prevent and remove nuisances within the limits of said city; to regulate the storage of gunpowder, and other combustible material; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, bar-rooms, theatricals, circuses, and all other shows, elections, and places of amusement; to regulate and license tipping-houses and dram-shops, hawkers, peddlers, and pawn-brokers; also, to regulate and prohibit all disorderly houses, of all kinds; to construct public reservoirs, or other works necessary to supply the city with water; to prepare and keep in re-

pair public cisterns and wells; to lay out, alter, keep open, and repair all streets, alleys, sidewalks, and public grounds of the city, and to establish grades of the same. The grading, paving, planking, sewerage, and repairing of every kind, shall be done at the equal one-third expense of the adjacent lots, on each side of said streets, and one-third by the city; each separate and distinct owner being at liberty, and being required, under the direction of the president of the board of trustees, to do, or cause to be done, at his own expense, the work, repairs, and improvements, in front of his own premises, one-third of the width of the street; to provide such means as they may deem necessary to protect the city from injuries by fire; to levy and collect annually a tax on all property in the city subject to taxation under the laws of the state, not exceeding one per cent. on the assessed value thereof; to levy and collect a school-tax on each male resident between the ages of twenty-one and fifty years, not to exceed two dollars; to impose and collect a tax on dogs, not exceeding five dollars per annum, on every dog found running at large, or owned within the corporate limits of the city; to provide for the impounding of swine or cattle; to establish and regulate markets; to impose and appropriate fines, penalties, and forfeitures, of breaches of ordinances passed from time to time; *Provided*, no ordinance shall fix the fine for one offence above two hundred dollars, or the imprisonment for one offence more than sixty days; to build a city prison, and establish a police, if deemed necessary by the board; to provide for and establish a chain-gang; and to pass such other by-laws and ordinances for the regulation and government of said city as they may deem necessary.

Limitation. SEC. 10. The board of trustees shall not contract any liabilities, either by borrowing money, loaning the credit of the city, or contracting debts, which singly or in the aggregate with any previous debts or liabilities, shall exceed the sum of three hundred dollars over and above the amount in the treasury.

Jurisdiction of recorder. SEC. 11. The recorder, as to offences committed within the city, shall have like jurisdiction as now is, or may hereafter be, conferred by the laws of this state on justices of the peace; to examine and commit persons brought before him charged with the commission of offences within the limits of the city; to take recognizances to appear and to keep the peace; and to issue all such writs and processes as a justice of the peace may lawfully do, subject to all the rules governing justices of the peace; the recorder shall also have jurisdiction in all violations of city ordinances: and may, according to such ordinances, hold to bail, fine, or commit to prison, with or without hard labor, or both fine or imprison, any person found guilty of any violation thereof, and receive such compensation for his services as are allowed to justices of the peace for similar services in civil cases.

Marshal to collect taxes. SEC. 12. It shall be the duty of the marshal to collect all taxes due the city; and upon receiving the tax list, to proceed and collect the same, at the same time and manner as is by law prescribed for the collection of county and state taxes; and the said marshal is hereby vested with the same power to make collections of taxes, by the sale and conveyance of real and personal property, as now is, or may be hereafter, conferred upon collec-

tors of state and county taxes; and to pay over monthly to the city treasurer, retaining his per centage, as allowed by law for collecting the state and county taxes.

SEC. 13. It shall be the duty of the assessor, between the first day of May and August in each year, to make out a true list of all the taxable property within the city; the mode of making out said list, and the property subject to taxation, and all proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors; which list, certified to by him, shall be placed in the hands of the board of trustees, who shall, on the first Monday in August, meet as a board of equalization, and shall have power to modify such valuation in any way they, or a majority of them, shall deem just and proper.

SEC. 14. It shall be the duty of the treasurer to receive and keep safely all moneys that come into his hands as treasurer, and pay out the same on the order of the board of trustees, signed by the president, and countersigned by the clerk; and to make a full report, in writing, whenever called upon by the board, showing the condition of the treasury.

SEC. 15. It shall be the duty of the marshal to act as a peace officer within the limits of the city; to arrest all offenders or persons guilty of violations of law or the ordinances of the city, with or without a warrant, and to bring them, without delay, before the recorder; to serve all orders, writs, and processes, issued by the recorder; and he is hereby vested with all the powers, and subject to all the duties, which are now, or may hereafter be, conferred upon constables, and shall receive the same fees for like services.

SEC. 16. No bill or demand shall be allowed or paid out of the city treasury unless verified by the oath of the claimant, and allowed by the board of trustees, and signed by the president, and countersigned by the clerk.

SEC. 17. It is hereby made the duty of the board of trustees and clerk to make out and publish a complete statement, on the first Monday in October and April of each year, of the receipts and expenditures of the preceding six months, specifying upon what account, showing the indebtedness of the city, and the amount in the treasury.

SEC. 18. It shall be the duty of the clerk to keep a true record of all business transacted by the board of trustees from time to time; to grant certificates of license on the presentation of a receipt, signed by the marshal, stating that the license tax imposed by ordinance on the business of the applicant has been paid to him; and shall also keep a true list of all such licenses granted by him, and the amount of moneys received by the marshal, as shown by such receipts; to apportion the taxes upon the assessment, and to make out and deliver to the marshal a tax list, in usual form, as soon as practicable after the board of equalization have equalized the assessment; and such other duties as may be prescribed by ordinance.

SEC. 19. The board of trustees shall receive no compensation for their services, except while sitting as a board of equalization, when their *per diem* shall be four dollars; and shall not be interested, directly or indirectly, during their term of office, in any

contract, sale, or lease with the city. The clerk shall receive in compensation for his services in making out tax list, and keeping list of all licenses granted, a yearly salary of one hundred dollars; and for his services as clerk of the board of trustees, and such other duties as may devolve upon him as clerk of said board, such compensation as may be allowed by the board of trustees. The assessor shall receive a *per diem* allowance not to exceed three dollars per day (as the board may agree upon,) while actually engaged in assessing the property of the city; *Provided, however,* that the aggregate *per diem* shall not exceed one hundred and fifty dollars per annum. The marshal shall be allowed for collecting all licenses two and one-half per cent., and five per cent. on all fines. The treasurer shall be allowed, for all moneys received by him, one per cent. The treasurer and marshal shall be allowed to retain in their hands the per centage due, as herein allowed.

Election.

SEC. 20. For the first election to be held to fill the offices created by this act, the county judge of Sonoma county shall appoint one inspector and two judges, electors within the city limits, who, together with two clerks, to be appointed by them, shall take the same oath, and be governed by the same regulations as are prescribed for the government of the inspector and judges of county and state elections. Said election shall be held at some place within the city limits, designated by the county judge, or the inspector and judges of the election; and said judge or inspector and judges of election are required to give at least five days' public notice of an election on the third Monday in April, one thousand eight hundred and fifty-eight, for the election of the city officers provided for in this act. The said inspector and judges shall give certificates of election to the five persons receiving the highest number of votes for trustees. The new board shall, when organized, examine the returns, and grant certificates to the persons having the highest number of votes for other city officers. At all subsequent elections, the board of trustees shall designate the inspector and judges, and the place at which the election will be held, and give at least ten days' public notice thereof. The returns shall be signed by the inspector, judges, and clerks, and filed in the office of the city clerk. The polls shall be opened by nine o'clock, A. M., and continue open until six o'clock, P. M., of the same day.

Publication.

SEC. 21. The board of trustees shall cause all by-laws and ordinances of the city to be published in some newspaper published in the city, or by posting the same in three public places in said city, at least ten days before the said by-laws or ordinances shall be carried into effect.

CHAP. CLXXXVII.—*An Act to amend an Act entitled "An Act authorizing the Formation of Corporations for the Construction of Plank and Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three.*

[Approved April 13, 1858.]

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

SECTION 1. Section thirty-four of said act is hereby repealed. Act repealed.

CHAP. CLXXXVIII.—*An Act concerning the collection of Poll-Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra.*

[Approved April 13, 1858.]

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

SECTION 1. The sheriff of Sierra county, who is now *ex officio* collector of foreign miners' license tax in said county, shall cease to be collector on the first day of May, A. D. one thousand eight hundred and fifty-eight; and the county assessor of Sierra county shall cease to be collector of poll-taxes, either for state and county purposes, or for the county sinking fund, and all other taxes, licenses, or dues, on the first day of May, A. D. one thousand eight hundred and fifty-eight; and the county treasurer of Sierra county shall cease to be collector of state and county license, or licenses, taxes, or dues, for any purpose whatever, on the first day of May, A. D. one thousand eight hundred and fifty-eight.

Officers deposited as tax collectors.

SEC. 2. All foreign miners' license taxes, and all poll-taxes, for either state and county purposes, or for county purposes alone, and all state and county licenses in and for the county of Sierra, shall from and after the first day of May, A. D. one thousand eight hundred and fifty-eight, be collected in each of the townships in said county, by an officer in said township, who shall be known as constable and collector, who shall be appointed, elected, and qualified, and who shall perform the duties, and give the bonds as in this act specified.

Constable to collect taxes.

SEC. 3. There shall be elected in each of the townships in the county of Sierra, at the next general election, and at each succeeding general election, in the same manner that other township officers are elected, one constable and collector, who shall be collector of foreign miners' license taxes, poll-taxes, and state and county licenses, in his township; and he shall be one of the two constables allowed by law to be elected in each township; and the person voted for as constable and collector, shall be designated on each ballot cast for said office, as constable and collector, and the person who shall receive a plurality of votes cast shall be declared elected.

Election.

Oath and
bonds.

SEC. 4. The said constable and collector shall be notified of his election; he shall take the oath of office now required by law, and shall give the bonds hereinafter specified, and he shall hold his office until the next general election, and until his successor is elected and qualified, unless sooner removed from his said office in pursuance of law.

Sureties.

SEC. 5. Every constable and collector, in addition to his bonds as constable, shall, before he enters upon the discharge of the duties of his office, make and file his bond, with two or more sureties, in the penal sum of five thousand dollars, conditioned for the true and faithful performance of the duties of his office, that he will well and truly pay over to the treasurer of the county of Sierra, on the first Monday of each month, excepting the months of January, February, and March, all moneys belonging to the state of California, or county of Sierra, or both of them, that may have been collected by him in the preceding month, from any source whatever; and that he will, at the same time, surrender to said county treasurer all licenses for state and county purposes in his hands, unsold, and make a final settlement of the state and county license account, with said treasurer, for the preceding month, and that he will, at each monthly settlement with the county treasurer, immediately present the treasurer's receipts, for all moneys paid to him at each monthly settlement, to the clerk of the board of equalization and the county auditor, and surrender to them all unsold foreign miners' licenses and poll-taxes, and all other tax receipts received from them, and make a final settlement on the first Monday of each month, excepting the months of January, February, and March, with said clerk of the board of equalization and county auditor.

Settlement.

Approval.

SEC. 6. The bonds of the said constables and collectors, except those approved before the first day of May, A. D. one thousand eight hundred and fifty-eight, shall be approved by the county judge of said county as other bonds are required by law to be approved, and it shall be the especial duty of said judge to be satisfied of the sufficiency of the sureties on said bonds.

Ad interim
collectors
appointed by
supervisors.

SEC. 7. To provide for the appointment of said constables and collectors in each township in Sierra county, so that no loss shall accrue to either the state or county revenue from the first Monday of May, A. D. one thousand eight hundred and fifty-eight, to the first Monday of October, A. D. one thousand eight hundred and fifty-eight, the board of supervisors of said county shall, at a special meeting, to be held in the month of April, A. D. one thousand eight hundred and fifty-eight, select one constable in each township in said county, for constable and collector in said township, who shall hold his office until the first Monday in October, A. D. one thousand eight hundred and fifty-eight, and until his successor is elected and qualified, and who shall be notified of his appointment by the county clerk of said county, as other officers are required by law to be notified of their appointment or election; and the said constable and collector shall, on or before the first day of May, A. D. one thousand eight hundred and fifty-eight, take the oath of office, and file the bonds in this act set out and required, and shall perform the duties of constable and collector, and shall receive the compensation and be liable to the penalties

in this act specified; and, for the purpose of approving of the bonds of the constables and collectors of the several townships, the board of supervisors shall hold a special meeting on the first day of May, A. D. one thousand eight hundred and fifty-eight; and, if any constable and collector shall fail on said day to file his bonds to the approval of said board, the board shall forthwith declare said appointment null and void, and appoint another constable and collector in his place, who shall take the oath of office, and file the bonds herein required, on or before the fifteenth day of May, A. D. one thousand eight hundred and fifty-eight, which bond may be approved by the county judge, as is provided in this act.

SEC. 8. Each constable and collector shall, immediately upon entering upon the duties of his office, divide his township into four convenient districts; and it shall be his duty to visit each district once in each month, in rotation, and carefully, and with energy and promptness, collect, from each person therein liable to pay the same, all poll-taxes for state and county purposes, and all poll-taxes for county purposes only, and all foreign miners' license taxes, and all other license taxes and public dues now collected by the assessor or county treasurer. Districts.

SEC. 9. Each constable and collector shall keep a book, in which he shall enter: *First*, The districts into which he shall have divided his township; and, *Second*, The name of each person or persons from whom he shall have collected any tax or license, the amount so collected, and for what particular tax or license the same was collected; *Third*, He shall enter in said book the names of all persons who are engaged in any business, the carrying on of which is by law required to be done under a license from either the state or county, and shall correct said list, from time to time, as any person or persons cease to be engaged in such business, or as any person or persons shall engage in any business, trade, or occupation, or profession, for which, before engaging therein, they should have procured a license. Said book shall be the property of the county, and open for public inspection, at the office of said constable and collector, on Saturday of each week, from eight o'clock, A. M., to four o'clock, P. M., and shall be, by said constable and collector, delivered over to his successor in office. Books to be kept.

SEC. 10. Each constable and collector shall, on the first Monday of each month, make a final settlement with the county treasurer, the county auditor, and the clerk of the board of equalization. He shall first pay over all moneys collected by him for foreign miners' licenses, and poll-taxes, and state and county licenses, less his fees for collections, to the county treasurer, and take from said treasurer two duplicate receipts for the same. The said receipts shall show: *First*, The amount paid to said treasurer for money collected for foreign miners' licenses sold. *Second*, The amount paid to said treasurer for money collected for state and county poll-taxes. *Third*, The amount paid to said treasurer for money collected for poll-taxes for county sinking fund. *Fourth*, The amount paid to said treasurer for money collected for state and county licenses that shall have been issued to him by the county treasurer, designating how much is received for each class and kind. *Fifth*, The total receipts. Final settlement.
Duplicats receipts.

Sixth, and finally, That the constable and collector has returned all unsold state and county licenses for the preceding month, and has settled and paid in cash for all not returned; one of which receipts the constable and collector shall forthwith deliver to the clerk of the board of equalization, and settle with said officer, taking said officer's receipt of final monthly settlement with him, if his accounts are found correct, and the other receipt, together with the receipt of final settlement of the clerk of the board of equalization, he shall forthwith deliver to the county auditor, and settle with said officer; and if said auditor shall find, on final settlement with said constable and collector, that he has accounted to the county treasurer for all state and county licenses received from him, and has paid over to said treasurer all moneys by him collected for foreign miners' licenses and poll-taxes, and state and county licenses, and that said constable and collector has settled with the clerk of the board of equalization, and that the accounts of said constable and collector are correct, he shall give to said constable and collector a receipt in full, and, on the presentation of said auditor's receipt in full, and final settlement for the preceding month, to the treasurer and clerk of the board of equalization, and to the auditor, they may then, and not before, deliver to said constable and collector, so many foreign miners' licenses, and poll-tax receipts, and state and county licenses, as may be required by him for the next succeeding month, not exceeding in all the sum of one thousand dollars for foreign miners' licenses, one thousand dollars for poll-taxes, and one thousand dollars of state and county licenses.

Compensat'n

SEC. 11. Each constable and collector shall be allowed, at each monthly settlement, fifteen cents on each dollar collected for foreign miners' licenses, and fifteen cents for each dollar of poll-taxes collected, and three cents on each dollar collected for state and county license tax, in the preceding month, and the fees now allowed by law for enforcing the collection of the same, and no other compensation whatever, direct or indirect.

School fund
and fees.

SEC. 12. Eighty-five cents of the extra dollar for all poll-taxes for state and county purposes, which may now by law be collected between the first Monday of August and the first Monday in January in each year, shall, so far as the county of Sierra is concerned, go to the county school fund of said county, and the remaining fifteen cents shall go to the constable and collector for his fees for collecting the same. And the said constable and collector may enforce the payment of the three dollar poll-tax for state and county purposes, and the one dollar poll-tax for the county sinking fund, as well between the first day of March and the first day of August, as between the first day of August and the first day of January.

Form of oath

SEC. 13. Each constable and collector shall, at each monthly settlement with the county auditor, and the clerk of the board of equalization, and the county treasurer, and before each of them, take the following oath: "I do solemnly swear that I have, for the month preceding this settlement, diligently and faithfully, and to the best of my ability, performed the duties of constable and collector in and for township No. —, in the county of Sierra, and that I have not knowingly permitted any person or persons to escape from, or avoid, or evade the payment of any

foreign miners' license tax, or poll-tax, or any license for state and county purposes, that I have authority to enforce the collection of, and that the sum of — dollars and — cents, this day paid over by me to the county treasurer, is the just and true sum received by me for the preceding month from all sources whatever for state and county revenue, less the fees allowed me by law for collecting the same; and that the foreign miners' licenses, and poll-tax receipts, and licenses for state and county purposes, which I now surrender, are all that remain in my hands unsold; and that I have not myself, nor any one for me, with my knowledge or permission, given, issued, or granted to any person or persons, any other licenses or tax receipts than those delivered to me by the county treasurer, county auditor, and clerk of the board of equalization; and that I have not, directly or indirectly, or by, or through, any person or persons, given, issued, or granted, to any person or persons, any foreign miners' licenses, or poll-tax receipts, or state or county licenses, not furnished me by the officers in this section named; and that I have, in no instance, taken from any person or persons any sum of money in gold-dust, or any valuable thing whatever, or any note, or any promise of award, and allowed the said person or persons to evade the payment of their foreign miners' license tax, or their poll-taxes, or their state and county licenses—so help me God." And each the said treasurer, county auditor, and clerk of the board of equalization, are expressly authorized and required to administer the preceding oath to each constable and collector aforesaid at each monthly settlement, and any constable and collector who shall knowingly, willfully, and corruptly, swear falsely of any matter in said preceding oath contained, shall be deemed guilty of perjury, and, on conviction, shall be punished accordingly.

SEC. 14. If any such constable and collector shall fail to pay over to the county treasurer of the county of Sierra, on the first Monday of each month, or within the two days next succeeding, all moncoys by him collected, for state and county purposes, in the preceding month, less his fees allowed by law, or, if he shall fail on the first Monday of each month, or within the two days next succeeding, to make the settlement with the county treasurer, the clerk of the board of equalization, and the county auditor, as in this act provided, the county-auditor shall forthwith, in writing, notify the chairman of the board of supervisors of such failure, who shall forthwith call a special meeting of said board of supervisors, to be held on the succeeding Monday of the month in which the failure shall occur, by special summons to each member of the board, issued by the county clerk, with the county seal, which shall forthwith be served by the sheriff of the county on each member of the board; and on the said Monday succeeding the failure aforesaid, the said board, or a majority thereof, shall, unless they are satisfied that the act of God, or unavoidable accident, prevented the said collector from making such settlement, declare the office of said constable and collector vacant, and shall appoint some competent person, in the township where the vacancy exists, constable and collector; who shall be forthwith notified of his appointment by the sheriff, and who shall take the oath of office and file the bonds, in this act

Form of oath

In case of failure.

Successor to be appointed

required, within ten days, to be approved by the county judge; and shall, on the filing of the bonds, duly approved, forthwith enter upon the discharge of the duties of his office, and shall hold the same until the next general election and until his successor is elected and qualified, unless sooner removed, as in this act provided.

Suit against sureties.

SEC. 15. Immediately upon the board of supervisors declaring the office of constable and collector vacant in any township, for the causes specified in section fourteen of this act, the clerk of the said board shall forthwith notify the district attorney of the same, who shall forthwith commence suit upon the bond of said constable and collector, against him and his sureties; and shall file in the office of the county recorder, who shall record the same, a notice of the commencement of said suit, which shall, from the hour the same is filed, be a lien on all real and personal property of the said officer and his sureties, until the said officer or his sureties shall have fully settled with the proper officers of the county, as herein provided, and surrendered up to them all the foreign miners' licenses, and poll-tax, and state and county licenses in his hands, and until the payment of all costs of the special meeting of the board of supervisors to fill the vacancy occasioned by his failure to settle as required by this act, including the *per diem* and mileage of said board of supervisors and the fees of the district attorney.

Act shall not interfere.

SEC. 16. The times and manner of the settlements between the various county officers of Sierra county, or between the aforesaid officers and the state officers, shall not be changed by this act.

Application of act.

SEC. 17. Section forty-five of "an act to provide revenue for the support of the government of this state," approved April twenty-ninth, A. D. one thousand eight hundred and fifty-seven, shall apply as well to constables and collectors, under this act, as to the officers now in said act named, so far as the county of Sierra is concerned, except on failure to settle, as in this act provided, when the proceedings shall be as provided in section fourteen of this act.

Auditor's fees.

SEC. 18. The county auditor of Sierra county shall be entitled to demand and receive one dollar, one-half of which shall be for the use and benefit of the county treasurer, for each license issued by him, under an act entitled "an act to provide revenue for the support of the government of this state," passed May fifteenth, one thousand eight hundred and fifty-four, to be collected from the person receiving such license; and in no case shall any other fee be allowed to the auditor of Sierra county for any service connected with the issuance of licenses; and it shall be the duty of each constable and collector to demand and collect said sum of one dollar from each person who shall receive license from him; and he shall pay the same to the county auditor at each settlement made, according to the provisions of this act.

Act repealed.

SEC. 19. All laws and parts of laws applicable to the collection of foreign miners' licenses by the sheriff of Sierra county, and all laws, and parts of laws, applicable to the collection of poll-taxes by the county assessor of Sierra county, and all laws, and parts of laws, applicable to the collection of state or county licenses,

or dues, by the county treasurer of Sierra county, are hereby repealed, so far as the county of Sierra is concerned.

CHAP. CLXXXIX.—*An Act to audit the Claim of Robert G. Crozier.*

[Approved April 13, 1858.]

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

SECTION 1. The claim of Robert G. Crozier, for keeping and furnishing supplies to state prisoners, previous to the establishing of the state prison, in 1851, for the sum of twenty-four hundred dollars, is hereby audited and allowed. Claim allowed.

CHAP. CXC.—*An Act to amend an Act declaring Feather River navigable, passed March fourteenth, one thousand eight hundred and fifty-seven.*

[Approved April 13, 1858.]

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

SECTION 1. That so much of the act passed March fourteenth, one thousand eight hundred and fifty-seven, declaring Feather River navigable above the westerly line of Downer street, in the town of Oroville, be and the same is hereby repealed. Feath'r river navigable.

CHAP. CXCL.—*An Act for the relief of Paul Shirley, late Sheriff of Solano County.*

[Approved April 14, 1858.]

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

SECTION 1. The proportion of the judgment rendered in the United States Circuit Court for the districts of California against Paul Shirley, late sheriff of Solano county, and in favor of the Pacific Mail Steamship Company, docketed in said court on the twenty-fourth day of February, A. D. one thousand eight hundred and fifty-eight, which is for state tax, collected by said Shirley as tax collector from said steamship company, together with interest thereon from the eighteenth day of April, A. D. one thousand eight hundred and fifty-three, and the taxed costs of the action, is hereby assumed by the state. Judgment assumed.

SEC. 2. The board of examiners of the state are hereby authorized and directed to examine said judgment, and ascertain the amount thereof properly chargeable against the state, which amount, so ascertained, together with interest and cost, as pro- State portion

vided in section first of this act, shall be allowed and paid to the said Paul Shirley.

Warrant
issued.

SEC. 3. Upon receiving the certificate of allowance from the board of examiners, it shall be the duty of the Controller of State, to draw his warrant on the State Treasurer, in favor of Paul Shirley, for the amount so allowed, and it shall be the duty of the Treasurer to pay the same out of any moneys in the state treasury not otherwise appropriated.

Moneys
appropriat'd.

SEC. 4. The sum of five thousand two hundred and fifty dollars is hereby appropriated to pay any warrant drawn in compliance with section third of this act; the appropriation herein made shall not be construed so as to be subject to the provisions of an act entitled "an act for the better protection of the treasury," approved April sixteenth, one thousand eight hundred and fifty-six.

Co. portion.

SEC. 5. It is hereby made the duty of the board of supervisors of Solano county, to examine said judgment, and ascertain the amount thereof properly chargeable against Solano county, as being for county tax, general or special, collected by said Paul Shirley, as tax collector, from the Pacific Mail Steamship Company, together with interest thereon, from the eighteenth day of April, A. D. one thousand eight hundred and fifty-three, which amount, when so ascertained, shall be audited and allowed by said supervisors, in favor of the said Paul Shirley, payable out of any money in the county treasury not otherwise appropriated.

Co. warrant.

SEC. 6. It shall be the duty of the auditor of Solano county, upon such allowance, to issue his warrant on the county treasurer in favor of Paul Shirley for the amount so allowed, and it shall be the duty of the treasurer of said county to pay the same out of any moneys in the treasury not otherwise appropriated.

CHAP. CXCII.—*An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.*

[Approved April 15, 1858.]

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

SECTION 1. Section one hundred and twenty of said act is hereby amended so as to read as follows:

Attachment
as security.

Section one hundred and twenty—The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, in the following cases: *First*, Where the debtor is not a resident of this state; *Second*, Where the debtor has absconded or absented himself from his usual place of abode, or is about to abscond or absent himself, so that the ordinary process of law cannot be served upon him; *Third*, Where the debtor conceals himself, so that the ordinary

Unless, first.

Second.

Third.

process of law cannot be served upon him; *Fourth*, Where the debtor has removed, or is about to remove, any of his property or effects out of this state to the injury of his creditors, or with the intent to hinder, delay, or defraud them; *Fifth*, Where the debtor has fraudulently conveyed, assigned, or otherwise disposed of, or is about to fraudulently convey, assign, or otherwise dispose of his property or effects with the intent to hinder, delay, or defraud his creditors; *Sixth*, Where the debtor has fraudulently concealed, or is about to fraudulently conceal his property or effects with the intent to hinder, delay, or defraud his creditors; *Seventh*, Where the debtor fraudulently contracted the debt, or incurred the obligation, respecting which the suit is brought.

Fourth.
Fifth.
Sixth.
Seventh.

SEC. 2. Section one hundred and twenty-one of said act is amended so as to read as follows:

Section one hundred and twenty-one—The clerk of the court shall issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, which shall be filed, showing: *First*, That the defendant is indebted to the plaintiff in a certain sum (specifying the amount of such indebtedness) over and above all legal set-offs or counter claims, upon a contract, express or implied, for the direct payment of money, and that such contract was made, or is payable, in this state, and that the payment of the same has not been secured by any mortgage on real or personal property; *Second*, That the deponent has good reason to believe, and does believe, that one or more of the causes set forth in the several subdivisions of the next preceding section actually exists at the time of making the affidavit, reciting the facts upon which such belief is founded.

Writ to be issued.

SEC. 3. Section one hundred and twenty-two of said act is amended so as to read as follows:

Section one hundred and twenty-two—Before issuing the writ, the clerk shall require a written undertaking on the part of the plaintiff, in a sum not less than two hundred dollars, nor exceeding the amount claimed by the plaintiff, with sufficient sureties to the effect, that if the defendant recover judgment, or if the attachment should be dismissed, the plaintiff will pay all costs that may be awarded to the defendant, and all damage which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking.

Written undertaking.

SEC. 4. Section one hundred and thirty-eight of said act is amended so as to read as follows:

Section one hundred and thirty-eight—In all cases where property or effects shall be attached, the defendant, or any creditor of the defendant, interested, may file a plea, in the nature of a plea in abatement, under oath, putting in issue the truth of the facts alleged in the affidavit on which the attachment was sued out.

Plea in abatement.

SEC. 5. Section one hundred and thirty-nine of said act is amended so as to read as follows:

Section one hundred and thirty-nine—Upon such issue, the plaintiff shall be held to prove that the facts alleged by him in said affidavit, as the grounds of the attachment, existed at the time of the issuance of the writ of attachment.

Proof of affidavit.

SEC. 6. Section one hundred and forty of said act is amended so as to read as follows :

Attachment
dismissed.

Section one hundred and forty—If the issue be found against the plaintiff, the attachment shall be dismissed at the cost of the plaintiff, and his sureties shall thereupon be liable upon the bond for all damages sustained by the defendant, in consequence of the issuing of the attachment.

SEC. 7. Section five hundred and fifty-one of said act is amended so as to read as follows :

Action on
contract.

Section five hundred and fifty-one—In an action upon a contract, express or implied, made after the passage of this act, for the direct payment of money, which contract is made or payable in this state, and is not secured by mortgage upon real or personal property, the plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment in all the cases specified in section one hundred and twenty of this act.

SEC. 8. Section five hundred and fifty-two of said act is amended so as to read as follows :

Writ to issue
on affidavit.

Section five hundred and fifty-two—A writ to attach the property of the defendant shall be issued by the justice, on receiving an affidavit by or on behalf of the plaintiff, showing the same facts as are required to be shown by the affidavit specified in section one hundred and twenty-one of this act.

SEC. 9. Section five hundred and fifty-three of said act is amended so as to read as follows :

Damages.

Section five hundred and fifty-three—Before issuing the writ, the justice shall require a written undertaking on the part of the plaintiff, with two or more sufficient sureties to the effect, that if the defendant recover judgment, or if the attachment be dismissed, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment.

Contracts
exempted.

SEC. 10. The provisions of this act shall apply only to contracts made and entered into after the first day of July, one thousand eight hundred and fifty-eight ; all contracts made and entered into prior to the first day of July, one thousand eight hundred and fifty-eight, or now in existence, payable after the first day of July, one thousand eight hundred and fifty-eight, may be prosecuted and enforced under the act to which this is amendatory. All acts, and parts of acts, so far as they conflict with this act, are hereby repealed.

CHAP. CXCIH.—*An Act supplemental to "An Act to regulate Rodeos," passed April thirtieth, one thousand eight hundred and fifty-one.*

[Approved April 15, 1858.]

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

SECTION 1. Whenever the owner, agent of the owner, or parties in possession of any cattle or stock, shall desire to remove such cattle or stock from the range upon which they have been running for the space of one week or more, to another farm or range, thirty miles or more distant, they shall be required to give three days' notice to the neighbors having cattle or stock, before such removal, in order that said neighbors may get their cattle out; and shall be further required to give a general rodeo for that purpose. Rodeo before removal.

SEC. 2. Any person failing or refusing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be fined in any sum not less than fifty dollars, nor more than five hundred dollars, and shall be liable to any party aggrieved in damages. Penalty.

SEC. 3. All fines collected under the provisions of this act, shall be applied to the fund for the support and maintenance of the indigent sick, in the counties in which such fines may be collected. Indigent fund

SEC. 4. This act shall take effect on the first day of May next.

CHAP. CXCIH.—*An Act to amend an Act entitled "An Act to prescribe the mode of drawing Grand Jurors and Trial Jurors in the City and County of San Francisco," passed April second, one thousand eight hundred and fifty-seven.*

[Approved April 14, 1858.]

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

SECTION 1. Section three of the above entitled act is hereby amended so as to read as follows :

Section three—Upon renewing the said lists, annually, all the ballots not drawn out during the year, containing the names of persons still residing in the county qualified to serve on juries, and not exempt by law, shall be retained on the lists of the several districts where they belong; and the supervisor of each district, in making out his list, shall add so many names thereunto as shall be requisite to complete and keep good the number of names apportioned for his district as prescribed in the preceding section. List of jurors

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

Section ten—In all cases where, under the provisions of this act, the requisite number of jurors cannot be readily obtained, it In case of inability.

shall be lawful for the courts and sheriff to proceed as now provided by law for the summoning and impanneling of juries.

CHAP. CXCIV.—*An Act concerning Coroners in the Counties of San Luis Obispo and Santa Barbara.*

[Approved April 14, 1858.]

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

Coroners, ex officio public administrators.

SECTION 1. The coroners in and for the counties of San Luis Obispo and Santa Barbara shall, in case of a vacancy in the office of the public administrator in said counties, be *ex officio* administrators, and perform all the duties and be subject to all the liabilities of public administrators.

Additional bonds.

SEC. 2. The probate court may, at any time, require the coroner, when acting in the capacity of public administrator, to file such additional bond as the probate court may deem proper.

CXCVI.—*An Act amendatory of and supplementary to an Act entitled "An Act to reincorporate the City of San José," approved March twenty-seventh, one thousand eight hundred and fifty-seven.*

[Approved April 15, 1858.]

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

SECTION 1. The second section of said act is hereby amended so as to read as follows:

City officers.

Section 2.—The government of said city shall be vested in a board of five trustees, a clerk, assessor, collector, and treasurer; the collector, elected as such, shall be *ex officio* city marshal, and it shall be his duty, as city marshal, to enforce all ordinances passed by said board of trustees; he shall prosecute all breaches of city ordinances, before any court of competent authority; he shall file his bond as collector and marshal of said city, with the city clerk, in a penalty, to be fixed by said board of trustees, payable to the people of the city of San José, conditioned for the faithful performance of his duties as city collector and marshal; he shall receive such compensation for his services, as marshal, as are allowed to constables for like services by the laws of the state of California, and for such other services as may be imposed upon him by the said board of trustees, such compensation as may be just; but he shall receive no fixed salary as marshal of said city.

Marshal.

SEC. 2. The eighth section of said act is hereby amended so as to read as follows:

Ordinances.

Section eight.—The board of trustees shall pass such ordinances, from time to time, as they may deem expedient for the regulation of the municipal affairs of the city of San José; *Provided*, such action shall be in accordance with the constitution of the United States, and with the constitution of the state of California, and in accordance with, and not repugnant to, the pres-

ent charter of the city of San José; they shall fix the amount of penalty on the bonds of the several city officers; and such penalty shall be made payable to the people of the city of San José; *Provided*, the penalty on the bond of any city officer shall not be less than double the amount of money presumed to be in his or their hands at any one time. They may license, regulate, or restrain, all public amusements in said city. They shall regulate the amount of license on any and every kind of business trans-^{Licenses.}acted or carried on in said city; *Provided*, the license tax imposed by said board of trustees, on any lawful business carried on in said city, shall not be more than the amount assessed by the state and county authorities for or on the same kinds of business, with fifty per cent. added thereto; *Provided*, also, that in the business of selling intoxicating drinks in less quantities than one quart, a license may be imposed at any amount in the discretion of the said board of trustees, and of any other kinds of business carried on in said city, excepting such as are subject to the payment of a state and county license, the amount of license assessed shall be regulated by the said board of trustees, at their discretion, for the best interest of said city.

SEC. 3. The twelfth section of said act is hereby amended so as to read as follows:

Section twelve—At each regular meeting of the board of trustees, said board shall inquire into the condition of the streets, bridges, school-houses, and other buildings or property belonging to said city, and if, at any time, the owners of two-thirds of the real estate fronting on any street, counting from one cross street to the next cross street, shall petition the board of trustees for the privilege of constructing or repairing the sidewalks or streets by grading, paving, or otherwise, then it shall be the duty of the board of trustees to cause an immediate survey of the proposed improvements, giving the proper grade, also the amount of excavation or filling in the front of each individual's real estate to the middle of the street, or if the improvement only extends to the sidewalks, then the surveyor shall give the amount of excavation or filling of said sidewalks; and whatever improvement shall be proposed, it shall in all cases be the duty of the surveyor or engineer to make an assessment of the cost of such improvement in front of each individual's property, and the amount assessed shall constitute a lien on the real estate fronting which is the proposed improvement; *Provided*, it^{Supervision of streets, &c} shall be the privilege of each and every owner of said real estate, to make their improvements according to specifications made in ordinance by the board of trustees; and if the owner or owners fail to make his, her, or their improvements within the time, and in the manner prescribed by said board of trustees, then it shall be made the duty of the city marshal, or constable, forthwith to let to the lowest bidder all that remains unfinished at the expiration of the time fixed for doing the same; and if the owner or occupant shall fail or refuse to pay for such improvements, as soon as the same shall be completed, it shall be the duty of the collector to give notice that he will, at the expiration of five days, sell so much of said real estate as will pay the contractor and all costs; *Provided*, after said sale, the same method that now rules in the present revenue law of the state of Califor-^{Proviso.}

nia, for the redemption and transfer of property sold for the payment of taxes, shall apply to all cases where real estate is sold for the payment of said improvements; *Provided, further*, the survey and assessment of said improvements shall be done at the expense of the city, and the fees of the officers shall be the same as are now allowed for like services in collecting city taxes.

SEC. 4. The fourteenth section of said act is hereby amended so as to read as follows:

City debt.

Section fourteen—The board of trustees shall succeed to all the rights and interest, debts and liabilities, that heretofore pertained to the mayor and common council of the city of San José; may grant, sell, purchase, receive, and hold property, both real and personal, for the use of the city; *Provided*, that whenever there may be an ordinance voted for by at least four of the board of trustees, for the sale of any of the real estate belonging to said city, for the purpose of paying, or in any way liquidating the debts of said city, said ordinance shall be published, specifying the object of such sale of real estate, and the amount of money to be raised; and, after ten days' notice being given, shall, at public auction, cause the same to be sold to the highest bidder; and after receiving full payment for the same, shall cause said property to be transferred by deed in fee to the purchaser or purchasers; said deed to be signed by the president of the board of trustees, and he is hereby authorized and empowered to make the same; *Provided, further*, that any of the real estate of said city may be leased for a term, not exceeding five years, by an ordinance, voted for by at least four of the board of trustees; *It being further provided*, that whenever there may be a deficiency of money in the treasury of said city to defray the necessary expenses incident to its municipal wants, after the payment of its present legal indebtedness, as prescribed in section twenty-nine of the act to reincorporate the city of San José, then the board of trustees may borrow, on the credit of the city, an amount of money, not exceeding two thousand dollars for any one year, on a vote of the majority of the legal voters of said city; *Provided*, the legal indebtedness of the city, hereafter contracted, shall not exceed this amount at any one time; and the ordinance, or ordinances, authorizing the issuance of this amount of the evidence, or evidences, of indebtedness, shall be voted for by at least four of the board of trustees; and any and all members of said board of trustees, who may vote for the incurrence of a greater amount of indebtedness than the sum hereinbefore mentioned, shall be held personally responsible for the same.

SEC. 5. The twenty-first section of said act is hereby amended so as to read as follows:

Taxes.

Section twenty-one—The board of trustees shall regulate, by ordinance, the amount of taxes to be collected on the assessed value of all the real and personal property within said city; *Provided*, such tax shall not exceed the sum of one-half of one per cent. on the assessed value of said real and personal property, as adjusted by said board of trustees. Said board of trustees may impose fines or imprisonment for any breach of any city ordinance passed by them; *Provided*, no fine shall be imposed for a breach of city ordinance for a greater amount than one hundred dollars, nor more than thirty days' imprisonment for any

one offence, or thirty days' labor on the streets and highways of said city; and all justices of the peace and constables, or sheriff or their deputies, within said city, are hereby authorized to take cognizance of all breaches of city ordinances within said city, and all such suits shall be prosecuted in the same manner, and under the same regulations as rules in the law regulating proceedings in criminal cases for the state of California.

SEC. 6. The twenty-second section of said act is hereby amended so as to read as follows:

Section twenty-two—The board of trustees shall receive no compensation for their services; neither shall they be interested, directly or indirectly, during their term of office, in any contract, sale, lease, or agreement, with said city. The clerk shall receive, in compensation for his services in making out tax lists and keeping a list of all licenses granted by him, a yearly salary of seventy-five dollars; and for his services as clerk of the board of trustees, and for all duties devolving on him as such, a yearly salary of one hundred and fifty dollars. The assessor shall receive a *per diem* allowance of not more than three dollars per day while actually engaged in assessing the property of said city; *Provided*, his aggregate allowance shall not exceed the sum of two hundred and fifty dollars per annum. The collector shall receive, for collecting all taxes and licenses, a reasonable compensation, to be fixed by ordinance of the board of trustees, which shall in no case exceed two and one-half per cent. The treasurer shall receive, for all moneys paid into the city treasury, one per cent. on the whole, but no allowance for money paid out by him as city treasurer. The treasurer and collector shall each be allowed to retain in his hands his per centage as herein provided for.

Compensat'n

Clerk.

Assessor.

Collector.

Treasurer.

CHAP. CXCVII.—*An Act the better to enable the Collection of Judgments in favor of the State.*

[Approved April 14, 1858.]

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

SECTION 1. Whenever a sale of property, real or personal, for the satisfaction of any judgment, in favor of the state, or of the people of the state, or of any person, or officer, for the use and benefit of the state, may be had, the Attorney General of this state, or some other person, to be designated by him, under the order and direction of the board of examiners, shall bid upon and may purchase any such property in the name of the state of California, for the use and benefit of the inhabitants thereof, and said Attorney General, or such other person, may make, or cause to be made, entries of credits, or satisfaction in whole or in part of such judgments, as the consideration for the purchase, on the execution of a deed of conveyance, or other necessary instrument in writing, for the conveyance of such property to the state.

Att'y Gener'l
to attend all
sales at state
instance.

SEC. 2. Whenever the property of a judgment debtor, in any judgment mentioned in the preceding section, has been sold under a prior judgment, or is subject to any judgment, lien, or

Prior judg'mt

incumbrance, taking precedence of any such judgment, in favor of the state, mentioned in the first section of this act, the Attorney General of this state may redeem such property from such prior judgment, lien, or incumbrance, or cause the same to be done, when, in his opinion, with the advice and consent of the board of examiners, the best interests of the state will be thereby secured, and all sums of money necessary for such redemption, shall, upon the order of the board of examiners, be paid from any money in the treasury, not otherwise appropriated, on the warrant of the Controller of State.

Suits to be instituted.

Sec. 3. It is hereby made the duty of the Attorney General of this state, when, in his opinion, it may be necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, or cause to be instituted and prosecuted, in behalf of the state, such suits and actions, or other proceedings, as he may find necessary to set aside and annul any and all conveyances which may have been, or shall hereafter be fraudulently made by such judgment debtors, whether such conveyance be absolute or conditional. All costs necessary for the prosecution of said proceedings, shall, when allowed by the board of examiners, be paid out of any appropriations made, or to be made, for the prosecution of delinquents.

Costs.

CHAP. CXCVIII.—*An Act to adjust the amount of Indebtedness of the County of Alameda to the County of Contra Costa, and provide for the payment thereof.*

[Approved April 14, 1858.]

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

Board of commissioners

SECTION 1. B. C. Whitman, of the county of Solano, John H. Livingston, of the county of Contra Costa, and J. W. Dougherty, of the county of Alameda, are hereby appointed a board of commissioners to ascertain and adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa.

Ascertain and adjust indebtedness

SEC. 2. Said commissioners shall appoint a time and enter upon the discharge of their duties under this act, within thirty days after the passage and approval of this act, at the town of Martinez, in the county of Contra Costa, and shall notify the county clerks of Contra Costa and Alameda counties, of such time, by mail; and at the appointed time, or such other time as they shall designate, they shall proceed to ascertain the amount of indebtedness of said county of Contra Costa, which had accrued prior to the twenty-third day of March, one thousand eight hundred and fifty-three, and to award a just and equitable proportion of said indebtedness to be paid to the county of Contra Costa by the county of Alameda.

Special tax.

SEC. 3. Said commissioners shall certify their award to the board of supervisors of Alameda county, and said board of supervisors of Alameda county are hereby authorized and required to meet within sixty days after said award shall be certified to them, and levy a special tax, for the payment in cash, of one-

half of the amount of said award, and cause the same to be collected and paid into the county treasury of Alameda county, which said amount shall be paid by the treasurer of Alameda county, on the order of the treasurer of Contra Costa county, on or before the first day of March, eighteen hundred and fifty-nine.

SEC. 4. The board of supervisors of Alameda county shall, in like manner, provide, in the year eighteen hundred and fifty-nine, for levying and collecting, and paying over in cash, on or before the first day of March, eighteen hundred and sixty, the balance of said award to the county of Contra Costa, upon the order of the treasurer of said county of Contra Costa, as aforesaid. Balance due from Alameda

SEC. 5. If any one of the commissioners, appointed by section first of this act, shall neglect or refuse to meet and act on said commission at the time appointed by a majority of said commission, then a majority of said commissioners shall have power to meet and perform all the duties required by this act. And any award or order made by a majority of said commissioners, shall have the same force and effect as though all of said commissioners had been present and assented thereto. In case of absence of commissioners.

SEC. 6. The commissioners appointed by section first of this act shall be entitled to a compensation of eight dollars per day, while in the discharge of their duties, under the provisions of this act. The amount to be paid, one-half by the county of Alameda, and the other half by the county of Contra Costa. Compensation

SEC. 7. In case the said commissioners, or a majority of them, shall neglect or refuse to meet and make the award provided for in this act, within the time herein named, they shall meet and make such award at such time and place as may thereafter be appointed and adjudged by the district court of the seventh judicial district, in and for the county of Contra Costa, and said court shall have power to issue its writ of mandamus to said commissioners, to compel such meeting and award, upon the relation of any tax-payer of the county of Contra Costa or the county of Alameda. Failure to meet.

SEC. 8. All acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed. Act repealed.

CHAP. CXCIX.—*An Act relative to the Board of Supervisors of San Diego County.*

[Approved April 15, 1858.]

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

SECTION 1. The supervisors of the county of San Diego shall have power to order, in their discretion, the publication, either in a newspaper, or otherwise, of all such matters required by law to be ordered published by them. Advertisement

SEC. 2. All laws, and parts of laws, contrary to the provisions Act repealed.

of this act, are hereby repealed, as far as the county of San Diego is concerned.

CHAP. CC.—*An Act to regulate the issue of County Warrants in the County of Shasta.*

[Approved April 15, 1858.]

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

Specificati^{ns}
on warrants.

SECTION 1. From and after the first day of May, A. D. one thousand eight hundred and fifty-eight, all county warrants drawn on the county treasury of the county of Shasta, shall distinctly specify what the liability consists of, [and] the time the liability accrued; and, in addition to all other requirements prescribed by law, such warrants shall be countersigned by the district attorney of said county, and all warrants not drawn in conformity with the provisions of this act shall be void.

Countersign^d

SEC. 2. It is hereby made the duty of the district attorney to countersign all warrants drawn on the treasury of the county of Shasta, after the time specified in section one of this act; *Provided*, all the provisions of law controlling the issue of said warrants shall have been complied with.

CHAP. CCI.—*An Act concerning Artesian Wells in Santa Clara County.*

[Approved April 15, 1858.]

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

Wells shall
not overflow
roads.

SECTION 1. Any person, or persons, being the owner or owners, occupant or occupants, of any lot, or tract, or parcel of land, lying and being situated in Santa Clara county, on which there may be any artesian well, who shall permit the water from the same to overflow any public road or street, or who shall fail to prevent the same, after due notice by the person in charge of said public road or street, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars; *Provided*, that such person or persons shall have thirty days' notice before such prosecution shall commence; *And provided, further*, that such prosecution shall not be commenced, if, prior to the expiration of said thirty days, said person or persons shall have removed such obstruction.

Proviso.

Judgment.

SEC. 2. In all cases of conviction, as aforesaid in the preceding section, the judgment shall be collected as in other cases of misdemeanor.

CHAP. CCII.—*An Act to Audit and Allow the Claim of Ferris Forman.*

[Approved April 15, 1858.]

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

SECTION 1. The claim of Ferris Forman, for the sum of eight hundred and sixty-two dollars and sixty cents, on account of postage in the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six, is hereby audited and allowed.

CHAP. CCIII.—*An Act to authorize George W. Chedic to sell certain property of Georgia M. C. F. Chedic.*

[Approved April 15, 1858.]

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

SECTION 1. George W. Chedic is hereby authorized and empowered to sell the following property of Georgia M. C. F. Chedic, his infant daughter and ward, to wit: Lots four and five, in the block bounded by streets C and D, Twelfth and Thirteenth, in the city of Sacramento, together with the buildings and improvements thereon, and in the name of said Georgia M. C. F. Chedic, and in her behalf, to give good and sufficient deeds of conveyance of the same; *Provided*, that such sale shall not be made until said George W. Chedic shall have filed his bond in the probate court of Sacramento county, in such sum as said court shall direct, conditioned for the careful preservation of the moneys arising from said sale to the sole use of said infant, and for the investment of said money under the direction of said court; and no conveyance of said property shall be made by said George W. Chedic to the purchaser thereof until such sale shall have been approved and confirmed by said court.

Auth'riz'd to sell property

Provido.

Approval of sale.

CHAP. CCIV.—*An Act to change the Time of holding the Courts of Sessions, County Courts, and Probate Courts, of the Counties of Santa Barbara and San Luis Obispo.*

[Approved April 15, 1858.]

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

SECTION 1. The court of sessions, in and for the county of Santa Barbara, shall be held on the first Monday of March, August, and December. The court of sessions, in and for the county of San Luis Obispo, shall be held on the first Monday of February, July, and November.

Court of sessions.

SEC. 2. The county court, in and for the county of Santa Bar- County court

bara shall be held on the second Monday of March, August, and December. The county court, in and for the county of San Luis Obispo, shall be held on the third Monday of February, July, and November.

Probate crt. SEC. 3. The probate court, in and for the county of Santa Barbara, shall be held on the fourth Monday of January, April, July, and October. The probate court, in and for the county of San Luis Obispo, shall be held on the fourth Monday of January, April, July, and October.

SEC. 4. This act shall take effect from and after the first day of April, A. D. one thousand eight hundred and fifty-eight.

Act repealed. SEC. 5. Sections forty-six, fifty-nine, and sixty-five, of "an act concerning courts of justice of this state and judicial officers," passed May nineteenth, one thousand eight hundred and fifty-three, so far as the same relates to the counties of Santa Barbara and San Luis Obispo, are hereby repealed.

CHAP. CCV.—*An Act fixing the Times at which Representatives in Congress shall be elected.*

[Approved April 15, 1853.]

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

Election in 1859. SECTION 1. At the general election in the year one thousand eight hundred and fifty-nine, and at the general election in each second year thereafter, there shall be elected such number of representatives to the Congress of the United States, as the state of California may be entitled to.

Act repealed. SEC. 2. All laws, and parts of laws, conflicting with this act, are hereby repealed.

CHAP. CCVI.—*An Act to fix the Compensation of the Board of Supervisors of San Joaquin County.*

[Approved April 15, 1853.]

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

Compensat'n SECTION 1. Each member of the board of supervisors of the county of San Joaquin, shall receive for his services, for each day he is actually and necessarily engaged in the business of the county, a sum, to be fixed by the board, not exceeding six dollars per day, and not to exceed, in the aggregate, five hundred dollars in any one year.

Mileage. SEC. 2. Each member of said board shall receive twenty-five cents per mile for each mile necessarily traveled in going to and returning from the county seat; *Provided*, that no charge shall be made for more than one trip, going and returning from the residence of such supervisor, at each term held; *And provided*, that no supervisor shall be allowed more than one day's per

diem for any one day, by reason of his being on the committees appointed by the board, or for any other cause; and no further allowance shall be made whatever for services as a member of said board.

SEC. 3. Section eighteen of the act entitled "an act to create a board of supervisors in the counties of this state, and to define their duties and powers," approved March twentieth, one thousand eight hundred and fifty-five, so far only, as the same applies to the county of San Joaquin, is hereby repealed. Act repealed.

CHAP. CCVII.—*An Act to amend an Act entitled "An Act restricting the Herding of Sheep to certain Pastures, in the Counties of Sonoma and Marin."*

[Approved April 15, 1858.]

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

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

Section one—It shall not be lawful for any person or persons owning or having charge of any sheep within the counties of Sonoma, Marin, San Mateo, Santa Clara, Sutter, Tulare, San Bernardino, Los Angeles, Contra Costa, Alameda, San Joaquin, Placer, Colusa, Stanislaus, Calaveras, Yolo, Sacramento, Humboldt, Monterey, Merced, and San Luis Obispo, to herd the same, or permit them to be herded, on the land or possessory claim of other than the land or possessory claim of the owner or owners of such sheep. Sheep in certain pastures

CHAP. CCVIII.—*An Act amendatory of and supplementary to an Act entitled "An Act to Regulate Elections," passed March twentieth, one thousand eight hundred and fifty.*

[Approved April 15, 1858.]

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

SECTION 1. Any person who shall vote more than once at any one election, or knowingly hand in two or more tickets folded together, or change any ballot after the same shall have been deposited in the ballot-box; or shall add, or attempt to add, any ballot or ballots to those legally polled at any election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein shall have been lawfully counted; or shall add to, or mix with, or attempt to add to, or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or shall carry away, or destroy, or attempt to carry away, or destroy, any poll-list, or ballots, or ballot-box, for the purpose of breaking up or invalidating the same. Single ballot
Tampering with the ballot-box.

Interference at elections. Penality. dating such election, or shall in any other manner so interfere with the officers holding such election, or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in the state prison for a term not less than one year nor more than five years.

Changing poll-lists, etc. Penality. SEC. 2. If any inspector, judge, or board of judges, or clerk of any election, shall aid in changing or destroying any poll-list, or placing any ballots in the ballot-box, or taking any therefrom, or shall add, or attempt to add, any ballot or ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein shall have been lawfully counted, or shall add to, or mix with, or attempt to add to, or mix with, the ballots lawfully polled, any other ballot or ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allow another to do so, when in their power to prevent it, or shall carry away, or destroy, or knowingly allow another to carry away, or destroy, any poll-list, ballot-box, or ballots lawfully polled, shall be deemed guilty of a felony; and, on conviction, shall be imprisoned in the state prison for a term of not less than one year, nor more than five years.

CHAP. CCIX.—*An Act to establish the Industrial School Department of the City and County of San Francisco.*

[Approved April 15, 1858.]

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

Industrial school organized. SECTION 1. The industrial school department of the city and county of San Francisco shall consist of a president, a vice president, a secretary, a treasurer, a board of managers, and of such persons as shall become members by subscribing and paying into the funds of the department the sum of ten dollars within one year next before any annual election in said department, or shall become life members by paying into the funds of the department one hundred dollars at any one time.

Officers. SEC. 2. There shall be an election held annually, on the first Monday in June, for a president, a vice president, and a treasurer, who shall hold office for one year, and until their successors shall be elected and qualified; and six managers, who shall hold office for two years, and until their successors shall be elected and qualified; *Provided*, that at the first election to be held under this section, twelve managers shall be elected, six to serve for one year, and until their successors shall be elected and qualified, and six to serve for two years, as aforesaid.

Ex officio managers. SEC. 3. The president and vice president of the department, and three supervisors of the city and county of San Francisco, to be appointed by the board of supervisors, shall be *ex officio* members of the board of managers.

SEC. 4. The first election under this act shall be called by the president of the board of supervisors; and the board of supervisors shall appoint the place of election, and the judges to conduct the same. At all subsequent elections, the president of the department shall call the election, by giving ten days' notice thereof in at least two of the daily papers of the city and county. The board of managers shall fix the place for holding the same, and shall appoint three judges to conduct said election, which shall be held from nine o'clock, A. M., to five o'clock, P. M., of the day of election. All annual and life members of the department shall be entitled to vote at such election. On the question of the right of any person to vote at such election, the books of the treasurer shall be *prima facie* evidence, and the judges of election shall be authorized to administer an oath, when required, to persons offering to vote at such election. Election.

SEC. 5. The secretary of the department shall be appointed, annually, by the board of managers, and shall receive such fixed salary as they may determine. He shall give such official bond as may be fixed by the board; he shall keep a full and particular record of all the acts and proceedings of the board and the department, in such form as the board may require; he shall perform the duties of auditor; he shall make a quarterly report, as auditor, of all the receipts and expenditures of the department, to the board of supervisors of said city and county; and he shall also make an annual report of all the proceedings of the department to said board of supervisors, which said quarterly and annual reports shall be published; and all his books and accounts shall, at all times, in business hours, be open to examination by any member of the department, by the board of supervisors, or a committee thereof, or any grand jury, or under an order of the court of sessions of said city and county. The treasurer shall be charged with the keeping and disbursement of the funds of the department; he shall pay money out of the treasury only upon demands thereupon, allowed by the president of the department and the finance committee of the board of managers, for objects previously approved by the board of managers; which demands must also, before payment, be audited by the secretary, as auditor; which demands may be audited by the auditor of the city and county upon the proper fund in the city and county treasury, and registered and paid by the treasurer of said city and county, to the extent of the appropriations authorized by this act, but no more, during any fiscal year. The treasurer shall make a quarterly report to the board of supervisors, showing the state of the funds and property of the department, and all receipts and expenditures during the quarter, which report shall be published. The treasurer shall give an official bond in such sum as shall be fixed by the board of managers, and shall receive such salary as they may determine. Secretary's duties.

SEC. 6. The board of managers of the department shall have the control, management, and direction of all the affairs and business of the department, except so far as provision is otherwise made by law; and especially, they shall have power to receive donations and bequests, and to accept, purchase, and hold real estate, which shall constitute a permanent fund, the interest of Treasurer's duties.

Board of managers.

Investment of moneys. which, only, shall be applied in payment of the current expenses of the department; but the principal sum thereof, except in case of real estate, shall be invested in the bonds of the city of San Francisco, or of the state of California, or in mortgages upon real estate within said city and county, unless the testator or donor shall otherwise direct. The board of managers shall also, especially, have power to accept, from the parents or guardian of any child, the surrender of such child during minority; and all the rights of parents or guardians to keep, control, educate, employ, indenture, or discharge such child, shall vest in the board of managers.

Purposes of school. Sec. 7. The purposes of said department are hereby declared to be, solely, the detention, management, reformation, education, and maintenance of such children as shall be committed or surrendered thereto; and no portion of the funds, whether furnished by members of the department, or by the city and county of San Francisco, or the state of California, or from any other source whatsoever, shall be used, or allowed to be used, for any other purpose whatsoever, excepting such portion thereof as may be required in purchasing the land, and in erecting, improving, enlarging, or furnishing the buildings and structures, necessary to said department, and in supplying and managing the industry of the school. The officers and managers of the department shall incur no indebtedness beyond the actual cash subscriptions, and the sums authorized by this act to be expended; and no member of the board of managers, nor the president, nor the vice president of the department, shall receive any compensation for his services, or directly or indirectly be interested in any contract connected with the management of the department.

Regulations. Sec. 8. The board of managers may make, alter, and amend, such by-laws as they may deem proper for the orderly and economical management of the concerns of the department, and they shall see that strict discipline is maintained in the industrial school; they shall provide employment for the inmates, indenture, procure them to be adopted, or discharge them, as is hereinafter provided; they shall appoint a superintendent, deputy superintendent, matron, teachers, and such other employees as they may require, and shall fix their salaries; they shall prescribe the duties of the superintendent, deputy superintendent, matron, teachers, and other employees, not inconsistent with this act, and may remove such officers at pleasure, and appoint others in their places. The superintendent and deputy superintendent shall give such official bonds as may be required by the board.

Appropriat'n for buildings. Sec. 9. Whenever the board of supervisors of the city and county of San Francisco shall be furnished with a certificate, by the treasurer of said department, that the sum of ten thousand dollars has been subscribed by members of the department for the purposes thereof, the said board of supervisors may, and they are hereby authorized to, appropriate the sum of twenty thousand dollars towards the purchase of the necessary lands, and the erection of suitable buildings for said department, for an industrial school; and such further sum, not exceeding one thousand dollars per month thereafter, for the care and maintenance of the children, and the salaries of the superintendent and assistants connected therewith; and the sums so authorized to be expended

may be allowed, audited, and paid, out of the general fund of said city and county; *Provided, however,* that the salaries of the teachers employed in said industrial school shall be allowed, audited, and paid, out of the school fund, by the proper officers of the common school department of said city and county; and the board of supervisors of the city and county of San Francisco may convey to the board of managers of the industrial school department of said city and county, the lot of land situate upon the tract of land known as the Noe, or San Miguel Ranch, known as the house of refuge lot; and the president of the board of supervisors may execute the deed. The board of managers may, in their discretion, exchange said lot for another more suitable lot, or may sell the same, and apply the proceeds to the purchase of a suitable lot.

Sec. 10. The board of managers shall have power to receive and detain in said industrial school such children, under the age of eighteen years, as may be thereto committed by the police judge, or the court of sessions, of said city and county, as vagrants, living an idle or dissolute life, or who shall be duly convicted of any crime or misdemeanor, or who, upon being tried before such police judge or court of sessions for any crime or misdemeanor, shall be found to be under fourteen years of age, and to have done an act which, if done by a person of full age, would be a crime or misdemeanor; and the said board of managers shall have power to place the said children committed to their custody, during the minority of said children, to such employments, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacity; and they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices, during their minority, to such persons, and at such places, to learn such proper trades and employments, as in their judgment will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children. And the said police judge, and the said court of sessions, and either of them, are hereby authorized and empowered to commit all offenders, duly convicted, under eighteen years of age, to said industrial school, in all cases where the said police judge, and the said court of sessions, or either of them, shall deem such commitment to be more suitable than the punishment now authorized by law. And if upon any trial before said police judge, or the court of sessions, it shall appear that the person on trial is under the age of fourteen years, and that such child has done an act which, if done by a person of full age, would warrant a conviction of the crime or misdemeanor charged; then, and in that case, the said police judge, and the said court of sessions, and either of them, shall have power to commit said child to the said industrial school. And the said police judge, and the said court of sessions, or either of them, on the application of the president of the board of supervisors, or of any member of said board, or of any three citizens, shall have power, upon the hearing of the matter, and upon proof to the satisfaction of said police judge, and said court of sessions, or either of them, to sentence to said industrial school any child, under eighteen years of age, who lives an idle or dissolute life, whose parents are dead, or, if living, from drunkenness, or other

VICES or causes, neglect to provide any suitable employment, or exercise any salutary control over such child; and the children thus committed shall be kept, governed, and disposed of as herein provided; and no child shall be reclaimed, or taken from said school, by his or her parents, or any other person or persons, without leave of the court, or judge, by whom such child was committed. And, whenever, upon the trial of any person before the police judge, or the court of sessions, of said city and county, said person shall be duly convicted of the crime or misdemeanor charged, and it shall appear that such person is under the age of eighteen years; or when, on such trial, it shall appear that such person has done an act which, if done by a person of full age, would warrant a conviction of the crime or misdemeanor charged, and that such person is under fourteen years of age; then, and in that case, the said police judge, and the said court of sessions, or either of them, may, in their discretion, sentence such person to be confined in the correctional department of said industrial school for any term not exceeding six months; and such person, so sentenced, shall be restrained of his or her personal liberty, and shall be kept in a ward to be provided therefor, separately from the body of said school, during the term of such correction, before being admitted to the general privileges of the school.

Juvenile delinquents.

Detention on commitment.

SEC. 11. All commitments shall be directed to the superintendent of the industrial school, or any of his deputies, and said superintendent and his deputies shall be charged by such commitments with the detention and custody of the children committed to the school, and with the execution of all orders and process of any court respecting such children, and shall have the same power, under and by virtue of such commitment, order, or process of court, as the sheriff of the county has, or might have, under such commitment, order, or process of court, if directed to him.

Discharge.

SEC. 12. The said police judge and court of sessions, or either of them, upon the application of the board of managers, and upon their certificate that it is expedient to do so, shall have power to discharge any child committed to said industrial school, and who is not bound out as an apprentice, or adopted. And the said police judge and court of sessions, or either of them, may, in like manner, discharge such child upon the application in writing, of the parents or guardian of such child; and after ten days notice, in writing, to the board of managers, if, upon the hearing of the application, said judge, or court, shall consider that such discharge is expedient.

Officers amenable.

SEC. 13. The president, vice president, secretary, treasurer, superintendent, and deputy superintendents, of the industrial school department, are hereby declared to be public officers, and subject to all the laws of this state relating to misdemeanor, malfeasance, and misfeasance in office.

Act repealed.

SEC. 14. All laws and parts of laws in conflict with the provisions of this act, are hereby declared to be inapplicable to the city and county of San Francisco; and this act, and all the provisions thereof, shall be subject to the right of the Legislature to alter, repeal, or modify the same, at any time.

CHAP. CCX.—*An Act to Legalize and Amend the County Records in the Counties of this State.*

[Approved April 15, 1858.]

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

SECTION 1. In any county of this state, where it shall appear to the board of supervisors that the records heretofore made are defective, by reason of defaced, mutilated, or imperfect indexing, it shall be the duty of the clerk, or recorder, upon the order of the board of supervisors, to have the same corrected, by making new indexes in place of such as are so defaced, mutilated, or imperfect; such new indexes shall contain all the names of the grantors and grantees, mortgagors and mortgagees, in every instrument recorded, and to which such indexes refer; *Provided*, that the original indexes shall be carefully preserved in the office of the clerk or recorder, for reference; *Provided*, that the provisions of this act shall not apply to the counties of Sacramento, Nevada, Sierra, and Placer.

Defective records to be perfected.

SEC. 2. The fees for the services herein imposed shall be the same as allowed by law for like services in other cases, and be paid as other county debts.

Fees.

CHAP. CCXI.—*An Act supplementary to "An Act to incorporate the City of Santa Barbara," passed April ninth, eighteen hundred and fifty.*

[Approved April 15, 1858.]

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

SECTION 1. Neither the mayor nor a member of the common council shall receive any salary, fees, or emoluments, for his services as a city officer, except that the mayor, when acting as a judicial officer, in criminal cases, may receive the fees allowed by the laws of the state.

Compensat'n of officers.

SEC. 2. Neither the mayor nor a member of the common council, shall be, directly or indirectly, interested, adversely to the city, in any contract to which the city shall be a party. If any one shall willfully violate the provisions of this section, he shall be guilty of a misdemeanor.

Shall not be interested in contracts.

SEC. 3. The common council shall have no power to borrow money; the common council shall have no power to contract or create any debts or liabilities, which shall, in the aggregate, exceed the sum of five hundred dollars, unless it shall first appear, by the written certificate of the treasurer, that there is actually in the treasury, moneys not otherwise appropriated, sufficient to meet and pay such debts or liabilities; and in such case, the debts or liabilities shall not be created or contracted, until, by an ordinance duly passed, there shall have been made a special appropriation of so much of such unappropriated moneys as shall be

Limitat'n of powers.

sufficient to meet and pay such debts or liabilities; and such special appropriation shall be irrevocable until the debts or liabilities so provided for shall be fully paid or satisfied. If any member of the common council shall willfully vote for any by-law, ordinance, resolution, or order, in conflict with the provisions of this section, he shall be deemed guilty of a misdemeanor.

Ordinances
appropriat'g
money.

SEC. 4. A majority of all the members elected to the common council shall be necessary to pass a resolution or ordinance appropriating money or creating a debt, or in anywise increasing or diminishing the city revenue, and on the passage of such resolution or ordinance, the ayes and noes shall be entered on the journal.

Warrants.

SEC. 5. No warrant drawn on the treasury shall be paid, unless it be countersigned by the mayor.

Taxes.

SEC. 6. The direct taxes imposed by the common council, in any one year, shall not exceed one-quarter of one per centum of the valuation of property within the city.

Valuation.

SEC. 7. Whenever a direct tax is imposed, the common council, as soon as the assessor's list is completed, shall, after public notice of at least five days, hold a special session to hear any complaints against the valuation of the assessor.

Vacancy.

SEC. 8. In case of a vacancy, for any cause, in the office of city treasurer, attorney, assessor, or marshal, the common council shall have power to fill such vacancies, until the ensuing general city election.

Act repealed.

SEC. 9. An act entitled "an act supplementary to an act to incorporate the city of Santa Barbara," passed April ninth, one thousand eight hundred and fifty, is hereby repealed.

SEC. 10. This act shall be in force from and after the first day of May next.

CHAP. CCXII.—*An Act to amend an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-three.*

[Approved April 16, 1858.]

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

SECTION 1. The act entitled "an act to establish an asylum for the insane for the state of California," passed May seventeenth, one thousand eight hundred and fifty-three, shall be so amended as to read as follows:

Resident
physician.

Section five—The Legislature shall elect, on joint ballot, one resident physician, who shall be superintendent of the asylum; he shall hold his office for four years, and until his successor is appointed and qualified; he shall be a graduate in medicine, and shall have practiced in his profession at least five years from the date of his diploma; and he shall receive an annual salary of five thousand dollars, payable quarterly, out of any moneys belonging to the hospital fund, or set apart by law for the use of said asylum; said resident physician shall be supplied with provisions, fuel, household furniture, and such other necessaries as may be required for the comfort of himself and family, if he have one.

SEC. 2. Section six of said act shall be so amended as to read as follows :

Section six—The resident physician, who shall also be the superintendent, shall be the chief executive officer of the asylum; he shall have the general superintendence of the buildings, grounds, and property, subject to the laws and regulations of the trustees; he shall have the sole control and management of the patients; he shall ascertain their condition, daily prescribe their treatment, and adopt such sanitary measures as he may think best; he shall appoint, with the approval of the trustees, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the asylum, prescribe their several duties and places, fix, with the trustees' approval, their compensation, and discharge any of them, at his sole discretion; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the asylum; he shall have power to suspend, until the next meeting of the trustees, for good and sufficient cause, a resident officer; but in such case, he shall give written notice of the fact, with its causes and circumstances, to one of the trustees, whose duty, thereupon, shall be to call a special meeting of the board of trustees, to provide for the exigency; he shall, also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct, fidelity, and economy, in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the end of the year; and that the principal facts and results, with his report thereon, be presented to the trustees immediately thereafter, that they may submit the same and a report therewith, to the Governor, on the first Monday of December, of each year. The said resident physician shall reside within the asylum grounds, and shall not be allowed to engage in any private practice, but shall, at all times, be in attendance at said asylum, except when he may obtain leave of absence from the trustees. The assistant physician shall perform his duties, and be subject to the responsibility of the superintendent, in his sickness or absence, and the said assistant physician may call to his aid, for the time being, such medical assistance as he may deem necessary, but the compensation to be allowed shall not exceed that given to the assistant physician for like services; *Provided*, the resident physician shall have no power to remove or suspend the visiting physician.

SEC. 3. Section seven of said act shall be amended so as to read as follows :

Section seven—There shall also be elected, in the same manner, an assistant physician, who shall be a regular graduate in medicine, and who shall have practiced his profession at least

Superint'dce
of grounds.

Suspend'n of
employees.

Books to be
kept.

Report.

Reside in the
asylum.

Assistance in
case of
sickness.

Salary of the
assistant.

five years from the date of his diploma; he shall reside within the asylum, and perform such other duties as may be directed by the superintendent and prescribed by the by-laws. He shall have a salary of three thousand dollars, payable quarterly; he shall also hold his office for the period of four years, and until his successor is appointed and qualified. The first election for resident and assistant physician, under this act, shall take place on or after the first Monday of April, A. D. one thousand eight hundred and sixty-one, when the terms of the present incumbents shall expire.

Election in
1861.

SEC. 4. Section eight of said act shall be so amended as to read as follows:

Estimate of
expenses.

Section eight—The resident physician is required to estimate, monthly, in advance, the probable expenses of the asylum, and submit the same to the trustees for their approval; and the Controller of State is hereby directed to draw his warrant for the amount so ascertained, in favor of the trustees, on the first day of each month, and the Treasurer of State shall pay the same out of the asylum fund. It shall be the duty of the resident physician to ascertain as nearly as he can, and report to the trustees, the amount, character, and quality of provisions, clothing, fuel, and medicines needed, for the six months ending on the first day of June and December, of each year; the trustees shall then advertise for contracts for furnishing such supplies for three weeks successively, in two newspapers published in the city of San Francisco, one in the city of Stockton, and one in the city of Sacramento. The contract or contracts shall be awarded to the lowest bidder, upon their furnishing satisfactory security for the performance of their contracts. Other needful expenditures than those for clothing, provisions, fuel, and medicine, shall be made under the direction of the resident physician, subject to the approval of the board of trustees, and shall be paid for by the trustees, on his order.

Advertise for
contracts.

CHAP. CCXIII.—*An Act to amend an Act entitled "An Act to establish Pilots and Pilot Regulations, for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four.*

[Approved April 16, 1858.]

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

Number of
pilots.

SECTION 1. Section seven of said act is hereby amended so as to read as follows: That the commissioners shall have power to appoint in the manner prescribed in this act, such number of pilots, for said port, as they may deem necessary, provided the number shall not exceed twenty.

Qualificati'n,
age, etc.

SEC. 2. Section eight of said act is hereby amended so as to read as follows: Persons applying for license to act as pilots for the port of San Francisco, shall be American citizens, not under the age of twenty-one years, and shall have served two years on board of a pilot-boat, or shall have commanded a square-rigged vessel in the coasting trade, in and out of the harbor of San Fran-

cisco, for three years, and shall be rigidly examined before the commissioners, by two or more licensed pilots, touching their qualifications and knowledge of the management of square-rigged vessels, and of the tides, soundings, bearings, and distances of the different shoals, rocks, bars, and points of land, and night lights of the harbor and bay, and if deemed qualified, shall receive a license as pilot, which license shall expire at the end of twelve months.

SEC. 3. Section fourteen of said act is hereby amended so as to read as follows: That the commissioners may require pilots to renew their bonds and sureties whenever they deem it necessary, provided that the persons on the bond are unable to qualify.

Bonds and
sureties.

SEC. 4. Section seventeen of said act is hereby amended so as to read as follows: That when complaint is lodged with the commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing, and sworn to; notice thereof must then be given the pilot, and he shall be notified to appear, within fifteen days, to answer the complaint; if the answer be not satisfactory, he may be fined not exceeding five hundred dollars, or deprived of his license, at the discretion of the commissioners. After the decision of the commissioners, any pilot who may deem himself aggrieved by such decision, may take an appeal therefrom, within fifteen days, to the county court of San Francisco county, in manner and form as prescribed for appeals in civil cases from justices' courts, and upon the hearing or trial upon appeal, the county court shall make such order as shall be just and equitable in the premises.

Complaints
in writing.

Answer.

Appeal.

SEC. 5. Section eighteen of said act is hereby amended so as to read as follows: Any person not holding a license as pilot, granted by the commissioners, who shall pilot or offer to pilot any ship or vessel, to or from the port of San Francisco, by the way of the Heads, except such as are exempt by virtue of this act, or any person holding a license as pilot, and not being attached to a pilot-boat, approved by the commissioners, who shall pilot or offer to pilot, any ship or vessel to or from the port of San Francisco, by the way of the Heads, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding sixty days; the penalty named in this section shall not be incurred when the master of a vessel cannot procure a licensed pilot inward or outward; but if the master of any vessel can procure the services of a licensed pilot, and refuses to accept such service, he shall not be held liable for the penalty named in this section; but should he afterwards employ a person not holding a license as pilot, granted by the commissioners, to assist him in piloting his ship or vessel, to or from the port of San Francisco, the person so employed shall incur and be liable for each and every offence, to the full amount of the penalty named in this section.

Piloting
without
license.

Fines.

CHAP. CCXIV.—*An Act to authorize the Guardian of Espedion Noe, José Jesus Noe, and Vicent Noe, to sell and dispose of their real estate and chattels real.*

[Approved April 17, 1858.]

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

Authorized
to sell real
estate, etc.

SECTION 1. The guardian of Espedion Noe, José Jesus Noe, and Vicent Noe, minor children of Guadalupe Garduña de Noe, deceased, of the county of San Francisco, is hereby authorized and empowered, and any guardian or guardians of said children appointed, or to be appointed, by the probate judge of said county, shall be empowered and authorized to sell, transfer, release, quit-claim, grant, and convey, any and all interest which the said minor children may have in and to any lands, tenements, and hereditaments, within the state of California, or to any part or parcel thereof; *Provided*, that such guardian shall make no such sale or disposal thereof upon any terms other than those made by the remaining heirs of the said Guadalupe Garduña de Noe, deceased, now of lawful age; *Provided, further*, that said guardian shall, before making such sale or sales, enter into such bond as may be prescribed by the probate court having jurisdiction therein, conditioned that he will faithfully account for the proceeds of said sale or sales; *And provided, further*, that any and all sales made under the provisions of this act shall be approved by the probate judge having jurisdiction of the same.

Sales to be
approved.

CHAP. CCXV.—*An Act supplementary to and amendatory of an Act to provide Revenue for the support of the Government of this State, passed April twenty-ninth, one thousand eight hundred and fifty-seven.*

[Approved April 17, 1858.]

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

Moneys from
licenses to go
into treasury

SECTION 1. All moneys on account of licenses for the sale of goods, wares, and merchandise, of the classes specified in the ninth class and tenth class in section ten of the act entitled "an act to provide revenue for the support of the government of this state," passed May fifteenth, one thousand eight hundred and fifty-four, and all moneys received on account of licenses for the sale of liquors and wines, specified in the eleventh section of the act aforesaid, and which licenses for goods, wares, and merchandise, and for liquors and wines, are referred to in sections three and four of an amendatory act, passed April twenty-seventh, one thousand eight hundred and fifty-five, shall be paid into the county treasury for county purposes.

License to be
printed and
numbered.

SEC. 2. The board of supervisors, in and for the several counties, shall cause to be printed, a sufficient number of licenses, such as may be required for the objects and purposes specified in the

foregoing section, for three, six, and twelve months. The clerk of the board of supervisors shall number all such licenses, as aforesaid, before they are issued, and shall enter the same, in the order of their number, in the records of said board; which record shall be signed by the chairman of the board, and clerk. The clerk of the board shall deliver to the county auditor as many of such licenses as may be required, taking his receipt for the same, and shall charge the auditor with the number and amount of each class of licenses, respectively. The auditor, from time to time, shall deliver to the treasurer, or tax collector, as many such licenses as may be required, and shall sign the same, and charge them to the county treasurer, or tax collector, as the case may be, specifying the class of licenses in his charge; each license shall contain a blank receipt, to be signed by the county treasurer on delivery of said license to the purchaser thereof. At the end of each month the treasurer or tax collector shall return to the auditor all licenses not issued, and the auditor shall charge him with the amount of money received for licenses issued, and open a new account with the treasurer, or tax collector, for the next month. Once in three months, the auditor shall report to the clerk of the board the number of licenses issued by the treasurer or tax collector, for the preceding three months, and the amount of money paid for the same; and the board of supervisors shall hold the auditor responsible, on his official bond, for all licenses issued to him under this article not accounted for or returned. The treasurer, or tax collector, at the time of the return of the licenses, as aforesaid, shall report to the auditor the number of licenses issued by them, to whom granted, and the amount of money paid on account of the same, and the monthly reports, so made to the auditor, shall be laid before the board of supervisors at each regular meeting of said board.

Recorded.

Blank receipt.

Report once in three months.

Number of licenses issued.

SEC. 3. If the treasurer shall issue and put in circulation any other licenses for the ninth and tenth class of merchandise, or any other licenses for the sale of wines and liquors than such as is provided in this act, he shall be liable, on conviction therefor, to be imprisoned in the county jail for a term not exceeding six months, and fined in a sum not exceeding five hundred dollars.

Erroneous license.

SEC. 4. The board of supervisors in the several counties are hereby authorized to require of the county treasurers of their respective counties such additional bonds, with sufficient sureties, as said board may deem expedient.

Bonds.

SEC. 5. So much of section forty-eight of the act to which this is supplementary, and all acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

Act repealed.

SEC. 6. In the counties of Butte and Yuba, and in any other county where the tax collector is the collector of licenses hereinbefore referred to, the licenses, when signed by the auditor as above provided, shall be delivered to such tax collector, and charged to him; and the blank receipt, signed by such collector, on delivery of said license to the purchaser thereof, in the same manner as specified in relation to county treasurers; and such tax collectors shall, in all other respects, perform such duties in relation to said licenses as in other counties are performed by county treasurers; and shall pay over, monthly, to the county

Tax collectors in Butte and Yuba to receive licenses.

Monthly
payments.

treasurers of their respective counties, all moneys collected by them under the provisions of this act, and shall take receipts therefor, specifying what fund the same is to be applied to, and file said receipts with the auditor; and shall, in other respects, make settlements as they are now required to make. The same fees shall be allowed to such tax collectors as are allowed to county treasurers for services herein required.

CHAP. CCXVI.—*An Act to provide for the Payment of James D. Potter.*

[Approved April 17, 1858.]

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

Money ap-
propriated.

SECTION 1. The sum of two hundred and sixty-one dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of James D. Potter, for services rendered in writing up Senate Journals of one thousand eight hundred and fifty-six, the work having been done in January and February, one thousand eight hundred and fifty-seven.

CHAP. CCXVII.—*An Act to amend an Act entitled "An Act to authorize the funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same," passed May first, one thousand eight hundred and fifty-one.*

[Approved April 20, 1858.]

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

SECTION 1. The sixth section of said act is amended to read as follows:

Redemption
of debt.

Section six—At the time when the principal of said stock becomes redeemable, the said commissioners shall devote the moneys in their hands to the redemption of the same, and shall pay over the surplus, if any, to [the] treasurer of the city and county of San Francisco. The said commissioners shall also, after discharging the trusts for which they are herein appointed, convey and restore to the city and county of San Francisco, all the property, titles, and assets, belonging to the same, and remaining in their possession. Each of said commissioners shall receive for his services the annual salary of two hundred and fifty dollars, except the president of the board, who shall receive, annually, five hundred dollars; and the secretary, who shall, annually, receive three thousand dollars; and this shall include all expenses of hire of clerks, office rent, and stationery; said salaries shall be paid out of the moneys which shall come to the hands of the commissioners under the provisions of this act. Before entering upon their office, the said commissioners, hereafter appointed, shall give bonds to the city and county of San

Title to
property.

Compensat'n
of commis-
sioners.
Secretary.

Bonds.

Francisco by its corporate name, to be approved by either of the district courts of the city and county of San Francisco, conditioned for the faithful discharge of the duties of their trusts; and such bonds shall be renewed from time to time upon the order of the district court having jurisdiction within the said city and county; for cause shown, on the application of the said city and county of San Francisco, after previous notice to the said commissioners; and upon failure to comply with the said order, the said commissioners shall cease to exercise the duties of their said trust.

Renewal.

Failure shall vacate.

SEC. 2. The fourteenth section of said act is amended to read as follows:

Section fourteen—Whenever the said commissioners of the funded debt shall have surplus moneys in their hands for the extinguishment of any portion of the said principal stock, as hereinbefore provided, they shall publicly advertise, for at least five weeks, in some newspaper printed in the city of San Francisco, for sealed proposals for the surrender of portions of said stock, and shall state in such advertisement the amount of money which they have in their hands for that purpose, and they shall accept those proposals which shall secure the cancellation of the greatest amount of such stock, and of annual interest thereafter, to accrue on the same, reference being had to the rate of interest payable on such stock; *Provided*, that no proposal shall be accepted at any higher premium than five per cent. above par; and in case proposals are not made so that said stock can be redeemed as herein provided, the said commissioners are authorized to invest said funds in any other stock of said city, or of the city and county of San Francisco, at the best practicable rates, not exceeding its par value, and no money shall be paid by said commissioners for any purpose whatever, except for the principal and interest of said funded debt, and the salaries of the commissioners, and the purchase of bonds, as herein provided, unless, in case of any suit to which said commissioners shall be party by name, the court in which said suit shall be pending, or in which such suit shall have been decided, shall, by order, allow said commissioners to pay any costs or charges incurred in the prosecution or defence of such suit.

Advertise for proposals.

Premium.

Invest funds

Costs of suit.

SEC. 3. Any vacancy which there may now be, or which may hereafter occur, in the said board of commissioners of the funded debt of the city of San Francisco, shall be filled by appointment of the Governor of this state of some respectable citizen of the city and county of San Francisco, and such appointment shall be confirmed by the Senate.

Vacancy.

SEC. 4. In addition to the annual statement required to be made by the fifth section of the act of May first, one thousand eight hundred and fifty-one, the commissioners shall, within five days after the expiration of every month, file with the auditor of the city and county of San Francisco a statement, signed by the president and secretary of the board, showing the total receipts and disbursements of the office for the month previous; failing to do the same, the auditor shall report to the board of supervisors.

Statement of receipts, etc.

CHAP. CCXVIII.—*An Act to amend an Act entitled "An Act to change the Time of holding Court of Sessions and County Courts, in the County of Napa," approved February fourteenth, one thousand eight hundred and fifty-five.*

[Approved April 20, 1858.]

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

SECTION 1. That an act entitled an act to change the time of holding courts of sessions and county courts, in the county of Napa, approved February fourteenth, one thousand eight hundred and fifty-five, be and the same is hereby amended so as to read as follows :

Court of sessions.

SEC. 2. The court of sessions, in and for Napa county, shall be held at the county seat of said county, on the first Monday of April, August, and December, of each year ; also, a term of the county court, in and for said county, shall be held at the county seat of said county, on the second Monday of March and July, and the first Monday of November, of each year ; and a term of the probate court, in and for said county, on the third Monday of March and July, and second Monday of November, of each year ; and the terms of each of said courts shall continue till all the business thereof is disposed of ; but the judge or judges thereof may adjourn each or any one of said courts from day to day, or from time to time, so that the sessions shall not interfere with each other.

Probate court.

Act repealed.

SEC. 3. All acts and parts of acts contrary to, or inconsistent with, the provisions of this act, are hereby repealed.

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

CHAP. CCXIX.—*An Act to pay the Fees of Attorneys on the part of the State, in certain cases.*

[Approved April 20, 1858.]

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

Moneys appropriated.

SECTION 1. The sum of five thousand dollars, of any money in the state treasury not otherwise appropriated, is hereby set apart and appropriated to pay the warrant hereinafter provided to be issued.

Receipts in full.

SEC. 2. Whenever Frank Hereford and James L. English shall make, execute, and deliver, to the Controller of State, receipts in full, for all services by them, or either of them, done and performed as attorneys at law, in the prosecution of any and all suits, actions at law, or causes, civil and criminal, for and on behalf of the state, as also for all moneys expended, and liabilities assumed by them, or either of them, in such prosecution ; as also a release to the state for all claims or demands, of whatever character, which either of them may have to any judgment, or any portion of any judgment, or per centage thereon, rendered

in any suit in which either of them acted as attorney on the part of the state, the Controller of State shall, and it is hereby made ^{Warrants to issue.} his duty to, draw his warrant on the State Treasurer, in favor of the said Frank Hereford, for the sum of five thousand dollars, which shall be paid by said State Treasurer out of the appropriation hereinbefore made.

CHAP. CCXX.—*An Act supplementary to an Act of April thirtieth, one thousand eight hundred and fifty-five, concerning the Escape of Convicts from the State Prison.*

[Approved April 20, 1858.]

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

SECTION 1. There shall be an additional section to the act of April thirtieth, one thousand eight hundred and fifty-five, concerning the escape of convicts from the state prison, which shall read as follows :

Section three—The district attorney of the county where such trial has been had, shall make out a statement of the costs incurred by the county, for the trial of all such cases, properly certified to, by the county judge of said county, which statement shall be sent on to the board of state examiners, for their approval, and after such approval, the Controller of State is hereby authorized and required to draw his warrant for the same, in favor of said county. ^{Statement of district attorney.}

CHAP. CCXXI.—*An Act to audit the Claim of James Smiley.*

[Approved April 20, 1858.]

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

SECTION 1. The claim of James Smiley, for provisions, supplies, working-materials, etc., furnished the state prison, in the months of June, July, August, September, October, and November, one thousand eight hundred and fifty-five, the sum of twenty-four thousand three hundred and eighty-eight dollars and thirteen cents, is hereby audited and allowed. Also the claim of James Smiley, for labor and material furnished state prison to December tenth, one thousand eight hundred and fifty-five, the sum of two thousand five hundred and eighty-six dollars and fifty cents, is hereby audited and allowed. ^{Claim allowed.}

CHAP. CCXXII.—*An Act to audit the Claim of D. H. Carpenter.*

[Approved April 20, 1858.]

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

SECTION 1. The claim of D. H. Carpenter; for supplies furnished the state prison in one thousand eight hundred and fifty-five, the sum of two thousand six hundred and sixty dollars and forty-six cents, is hereby audited and allowed.

CHAP. CCXXIII.—*An Act to audit Certain Claims.*

[Approved April 20, 1858.]

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

Bunker. SECTION 1. The claim of F. R. Bunker, for services as clerk in Treasurer's office, in one thousand eight hundred and fifty-six, the sum of five hundred and forty dollars, is hereby audited and allowed.

Eisen. The claim of Augustus F. Eisen, for work done on Treasurer's office, in one thousand eight hundred and fifty-six, the sum of one hundred and twenty-two dollars and eighteen cents, is hereby audited and allowed.

Gilbert. The claim of F. D. Gilbert, for lumber and materials furnished state prison, in one thousand eight hundred and fifty-six, the sum of two hundred and twelve dollars, is hereby audited and allowed.

Kirk. The claim of W. D. Kirk, sheriff of Stanislaus, for transporting prisoners to state prison, in one thousand eight hundred and fifty-five, the sum of one hundred and ninety-five dollars, is hereby audited and allowed.

Gelwicks. The claim of D. W. Gelwicks & Company, for publishing proclamations in one thousand eight hundred and fifty-five, the sum of one hundred and forty-seven dollars and fifty cents, is hereby audited and allowed.

Greenebaum & Buckl. The claim of Greenebaum & Buckl, for articles furnished Senate Chamber, in the year one thousand eight hundred and fifty-six, the sum of forty-eight dollars, is hereby audited and allowed.

Caperton. The claim of Henry Caperton, for the sum of four hundred dollars, for services as porter in the Supreme Court, from October first, one thousand eight hundred and fifty-three, to February first, one thousand eight hundred and fifty-four, is hereby audited and allowed.

Wright. And the claim of William Wright, for the sum of forty-two dollars and eleven cents, for services as porter of the Supreme Court, for the month of December, one thousand eight hundred and fifty-six, is hereby audited and allowed.

CHAP. CCXXIV.—*An Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund.*

[Approved April 20, 1858.]

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

SECTION 1. The treasurer of the city and county of San Francisco is hereby authorized and required to pay any and all demands for salaries of teachers in the common schools, and all other demands payable out of the school fund, of the year one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, which are remaining unpaid, and which have been duly audited and approved, out of any money in the treasury of the said city and county, belonging to the school fund of either of the fiscal years, one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, or one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight, after all the expenses of the school department, for the current year ending July first, one thousand eight hundred and fifty-eight, and all other demands against the same, now authorized by law to be allowed and paid, are first provided for.

Treasurer
required to
pay demands

CHAP. CCXXV.—*An Act to provide for the Funding and Payment of the outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six.*

[Approved April 20, 1858.]

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

SECTION 1. The outstanding unfunded claims against the city of San Francisco and the county of San Francisco, which accrued prior to the first day of July, one thousand eight hundred and fifty-six, shall be funded, and the interest and principal paid as hereinafter provided.

Outstanding
claims to
be funded.

SEC. 2. For this purpose, George J. Whelan, Thos. J. Poulterer, Fletcher M. Haight, Terence Foley, and James C. Cary, are hereby made and constituted a board of examiners, who shall, sitting as such board, at least three being present, examine into and pass upon all claims against said city and against the said county, whether in the form of scrip, controller's warrants, judgments, certified or audited accounts, and report to the board of fund commissioners hereinafter created, their approval, in whole or in part, or their rejection, of such claims as may be presented to said board of examiners; *Provided, however,* the said board of examiners shall approve only such claims against the said city or county as are founded upon some valuable or meritorious consideration; *Provided, further,* that all claims shall be presented to said board of examiners before the first day of

Board of
examiners.

Report their
approval or
rejection.

Limitation.

Vacancy.	August, one thousand eight hundred and fifty-eight. If any person herein named as one of the examiners shall decline to serve, or if after the organization of said board a vacancy occur, the board of supervisors of the city and county of San Francisco shall elect a suitable person to fill such vacancy.
Evidence of 1855.	SEC. 3. Said board of examiners shall be entitled, in addition to other testimony, to make use of the evidence taken by the board of examiners under the funding act of one thousand eight hundred and fifty-five, and after investigating and passing upon the claims severally presented for their examination, shall endorse upon the back of such claims so submitted, in whatever form the same may be, if they deem the same not entitled to be funded, the word "rejected;" and such endorsements shall be at- tested by the signatures of at least three of said board. If any claim be allowed, in part or in whole, the same shall be so en- dorsed, and such endorsement shall specify the amount thereof entitled to be funded; <i>Provided, however,</i> all claims presented against the county of San Francisco, which were duly registered in the treasurer's office of the county of San Francisco, or of the city and county of San Francisco, shall, if approved in whole or in part, be allowed, with interest on the amount allowed added thereon at the rate of six per cent. per annum, from the date of
Endorsed.	said registry up to the first day of January, A. D. one thousand eight hundred and fifty-eight. All claims, whether approved in whole or in part, or rejected, shall, with the proper endorsement, be delivered on demand to the persons severally presenting the same. The board of examiners shall keep an accurate account or record of the facts hereinafter required to be stated in their report to the board of fund commissioners. The said board of examiners, in the discharge of their duties, shall have power to examine witnesses, to send for persons and papers, to administer oaths or affirmations, and to punish, as for contempt, a refusal to appear and answer. They shall continue their sessions, from time to time, until the second Monday of August of the present year, on or before which last named day they shall make out and deliver to the commissioners of the funded debt herein created, their report, in writing, signed by at least four members of the board, which shall set forth the claims presented, and by whom, their date and denomination, what claims were approved, whether in whole or in part, or rejected, and the amount of each claim en- titled to be funded. The president of the board of supervisors, within five days after the delivery of the report of said board of examiners, as provided in this section, shall publish said report in two daily newspapers in said city and county, daily, until the next general election thereafter. If, within such period, a peti- tion, in writing, be presented to the president of the board of su- pervisors, signed by at least five hundred qualified voters, resi- dents in said city and county, whose names are found in the as- sessment roll, as tax-payers, for the year one thousand eight hun- dred and fifty-eight, requesting that the question of issuing bonds, according to the report of said board of examiners, may be sub- mitted to and determined by the qualified electors of said city and county; then, such question shall be so submitted and deter- mined at the next general election, to be held on the first Wednes- day of September, A. D. one thousand eight hundred and fifty-
Interest.	
Delivery of claims.	
Power to punish.	
Sessions.	
Report in writing.	
To be pub- lished.	
Submitted to the voters on petition of 500 tax- payers.	

eight, in such mode as the board of supervisors shall, by order or regulation, prescribe, and subject to the general laws regulating elections. If no petition, signed by the requisite number of qualified persons, be presented to the president of the board of supervisors as aforesaid, the assent of the people to the issuing of said bonds shall be presumed, and in that case, and also in case it be so determined by a majority of the electors voting at the general election, as aforesaid, then the said bonds shall issue as hereinafter provided.

Sec. 4. The persons whose claims shall have been approved by the board of examiners shall be entitled to have the amount so approved, funded as hereinafter provided, by delivering the same to be canceled to the commissioners of the funded debt herein created, at any time between the third Monday of August and the third Monday of September, A. D. one thousand eight hundred and fifty-eight; but nothing in this section shall authorize the said commissioners to issue bonds upon any claim, or demand, whatsoever, unless it shall appear from the report of the board of examiners that the same was approved. Bonds to issue.

Sec. 5. The said board of examiners shall enter upon their duties within twenty days after the passage of this act; but before entering upon such duties, each member thereof shall execute a bond, with at least two sureties, to the president of the board of supervisors of the city and county of San Francisco, in the penal sum of ten thousand dollars conditioned for the faithful performance of his duty as a member of said board; said bonds to be approved by the county judge, or the judge of the fourth or twelfth district courts. Any person who may deem himself aggrieved by any decision of said board, shall be entitled to maintain an action in any court of competent jurisdiction, on such bond, at his own sole expense and costs, in the name of the president of the board of supervisors of the city and county of San Francisco, against any member of said board, for willful malfeasance in the discharge of his duties; *Provided*, that all such suits shall be commenced before the third Monday of October, one thousand eight hundred and fifty-eight; and if no suits shall have been commenced before that time, on any such bond, the obligor and his sureties shall be released, and the president of the board of supervisors aforesaid, shall, on demand, cancel and deliver such bond to the person who executed the same. Sureties.
Action for malfeasance

Sec. 6. The president of the board of supervisors, the auditor, and treasurer, of the city and county of San Francisco, and their successors in office, are hereby created and constituted a board of fund commissioners, which board is hereby authorized and required to organize on or before the third Monday of August, one thousand eight hundred and fifty-eight, and upon the presentation to them (for cancellation) of such claims as may have been approved by the board of examiners, and so stated in their report, to issue in exchange therefor, bonds, in the name of the city and county of San Francisco, and deliver the same to the persons entitled thereto, which bonds, so issued, shall be, and continue to be, a charge upon the present corporation of the city and county of San Francisco, and the successor, or successors, thereof. The bonds shall be signed by each member of the fund Fund commissioners.
Bonds and coupons.

commission, in his official capacity as commissioner; each coupon, for interest thereon as herein provided, shall be signed by the chairman of the board of fund commissioners. The bonds to be issued under and by virtue of this act, shall be dated as of the first day of January, A. D. one thousand eight hundred and fifty-eight, and shall be redeemable and made payable within thirty years from the last mentioned day, at the office of the treasurer of the city and county of San Francisco. The fund commissioners shall carry out all the provisions of this act, and for the faithful discharge of their duties under the same, shall be liable individually, and also on their official bonds.

Date. SEC. 7. The bonds to be issued under this act shall bear interest from their date at the rate of six per cent. per annum, payable at the office of the treasurer of the city and county of San Francisco. The interest for the year commencing on the first day of January, A. D. one thousand eight hundred and fifty-eight, shall not be payable until the first day of January, A. D. one thousand eight hundred and fifty-nine, and semi-annually thereafter on the first day of July and January of each year. Coupons for interest shall be attached to each bond, and the same shall be received at their par value for all taxes due to the said city and county of San Francisco, or to the municipal government thereof, by whatsoever name called; *Provided*, that no coupons shall be so received unless the same be payable within the fiscal year when they may be offered in payment of said taxes. Such coupons, when so received, shall be delivered by the tax collector as part of the amount to be paid to the said fund commissioners, who shall receipt for them in lieu of an equal amount of cash. For the purpose of providing for the payment of the interest payable on the first day of January, one thousand eight hundred and fifty-nine, as provided in this section, the board of supervisors of the city and county of San Francisco are hereby authorized and required, in due form of law, to levy, and have collected and paid to the treasurer of the said city and county, within the year one thousand eight hundred and fifty-eight, a special tax of one-quarter of one per cent. on each one hundred dollars valuation upon the assessment roll, of all property in said city and county not exempt from taxation. The amount so raised shall be applied by the treasurer, in the manner prescribed in this act for the payment of interest, to the payment of the coupons due and payable under this act on the first day of January, one thousand eight hundred and fifty-nine. If the sum so collected and paid to the treasurer shall exceed the amount so required, the excess shall be paid into the general fund of the city and county, and become a portion thereof. If there be a deficiency, the amount thereof shall be chargeable upon and audited, allowed, and paid, out of the said general fund, in the mode prescribed by law for the payment of other legal demands against the said fund.

Six per cent. bonds. SEC. 8. The said commissioners, before the making out of the general assessment list for the city and county of San Francisco, or for the municipal government thereof, by whatsoever name called, in each and every year shall certify and deliver to the said board of supervisors, or their successors in office, the amount necessary for the payment of the interest of the current year,

Coupons.

Receivable for taxes.

Special tax.

Excess to general fund

Deficiency.

Notify successors of amount for interest.

upon their said bonds. The commissioners shall, likewise, after the expiration of the year one thousand eight hundred and sixty-six, certify and deliver annually to the said board of supervisors, or their successors, a statement of a further sum, which, in the judgment of said commissioners, may be required as a sinking fund, in each and every year thereafter, in order to pay said bonds on or before maturity. The sum so required as such sinking fund, as well as the interest on said bonds, shall be levied by the supervisors, and collected by the officer having charge of such collection, and paid over to the said commissioners, for the uses and purposes in this act mentioned. The said commissioners, immediately upon the receipt thereof, or any part thereof, shall deposit the same with the treasurer of the city and county of San Francisco, who shall, for its safe-keeping, be liable on his official bond. The said treasurer shall apply the funds so received strictly to the payment of interest and to the redemption of said bonds, and upon the order of the board of fund commissioners.

Sinking fund

Deposit with treasurer.

SEC. 9. After the expiration of the year one thousand eight hundred and sixty-six, the said commissioners are authorized, and are hereby required, annually to invite proposals for the surrender of the bonds issued by virtue of this act, by advertising at least ninety days next preceding the first day of January of each year, in the daily papers published in the city of San Francisco. The commissioners shall publish all the bids received by them, and shall, in all cases, give the preference to the bonds offered at the lowest per centum upon their par value, but in no case shall any bid be accepted above par. The funds on hand to the amount thereof shall be so applied to the payment of bonds, within ten days after the first of January of each year; but, if within such time, the amount so offered and accepted, from year to year, shall not exhaust the sum on hand as a sinking fund, the balance remaining shall immediately be applied to the redemption of the bonds outstanding, in the order numerically of their registration, and at par value; of which notice shall be given by publication as aforesaid, for at least thirty days, and from the termination of the notice of thirty days of the application of the funds as aforesaid, to the bonds not offered, such bonds shall be considered as redeemed, and shall cease therefrom to bear interest, and the amount so applied for their redemption shall be held by the treasurer as a special deposit, until the surrender of the said bonds. In order to carry out effectually the provisions of this section, the auditor of the city and county of San Francisco is hereby required (in a book to be provided and kept for that purpose), to register the number, date, and amount, of each bond, and the name of the individual whose name is expressed therein as the payee or obligee thereof. The bonds purchased or extinguished as herein provided, the dates, numbers, and amounts of the same, shall be noted by the auditor, in the said book of registry, and shall be by him endorsed "canceled." The commissioners shall file such bond, when delivered to them as canceled, and keep the same in some safe depository as their vouchers. The said commissioners shall make an annual report to the board of supervisors, in which shall be stated the amount received on account of the interest and principal of said bonds, the amount and numbers redeemed, the numbers redeemed but not surren-

Proposals.

Bids to be published.

Redemption

Registered.

Canceled.

Report.

dered, and the price at which the same was redeemed, and, in brief, the application and condition of the funds received by them for the payment of the interest and principal. Said report shall be published as aforesaid, for ten days, and the expense thereof paid out of the general fund, upon the presentation of the proper vouchers.

Published. SEC. 10. Said commissioners shall issue bonds in sums of five hundred, and of one thousand dollars, and in any larger amounts, in thousands, at the option of persons presenting the claims to be funded. The fractional sum upon the aggregate of any claim or claims, approved and presented by any person, over the amount for which any bonds by this act authorized can be issued, shall be so certified by the said commissioners of the funded debt, which balance or fractional amount shall be assignable, and when presented in amounts in the aggregate of not less than five hundred dollars, and prior to the first of January, A. D. one thousand eight hundred and fifty-nine, shall be funded and canceled in the like manner as original claims.

Bonds in sums to suit. SEC. 11. Each member of the board of examiners shall receive for his services, under this act, the sum of fifteen hundred dollars, exclusive of the contingent expenses hereinafter provided for. Clerks of the said examiners, to be by them appointed, not more than three in number, shall receive a compensation, to be fixed by the said board, not to exceed eight hundred dollars to each. The commissioners of the funded debt shall each receive the sum of five hundred dollars, exclusive of the cost of blanks, certificates, and books of registry, herein mentioned to be provided. The said sum of five hundred dollars, allowed to each of the said fund commissioners, shall be their sole compensation for the discharge of their duties under this act. The board of examiners shall be allowed, in addition to the amounts herein provided to be received by each of them, the further sum of five hundred dollars, for the contingent expenses of said board, which expenses shall include all expenditures made, or debts incurred, by them, necessary or requisite to facilitate them in the performance and discharge of their duties, under this act.

Compensat'n SEC. 12. The auditor of the city and county of San Francisco is hereby authorized and required, upon the presentation to him, to audit the demands of the several members of the said board of examiners, for the sum of fifteen hundred dollars each, and to allow the same, payable out of the fund known as the general fund, as created by the act entitled "an act to repeal the several charters of the city of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof," approved April nineteenth, one thousand eight hundred and fifty-six; also, to audit the several demands of the clerks of the said board; for a sum not to exceed eight hundred dollars each; and also, to audit the demands for contingent expenses of the said board, as herein provided: the latter not to exceed five hundred dollars; *Provided, however,* the demands of said clerks and the said demands for contingent expenses shall be first attested by the signatures of at least two of the members of said board, and when so authenticated, shall forthwith be audited by said auditor, and allowed, payable out of said general fund; *Provided, further,* that the said demands of the board of

Contingent expenses.

Allow out of general fund

Salary of clerks.

examiners, and of their said clerks, shall not be audited before the first day of June, A. D. one thousand eight hundred and fifty-eight, but the demands for the contingent expenses, as before provided, shall be audited and allowed whenever presented, attested as aforesaid. The auditor shall audit the demands of the said fund commissioners, for the sum of five hundred dollars each; and also the claims made by them for expenses incurred in procuring blank bonds and books of registry, not to exceed the sum of three hundred and fifty dollars; *Provided, however,* the demands of said fund commissioners, for their said compensation, shall not be audited before the first day of August, A. D. one thousand eight hundred and fifty-eight, except the expenses for the blank bonds and books of registry, which shall be audited whenever presented with the requisite vouchers, attested by at least two of the commissioners, and be allowed and payable out of the general fund. The compensation of the said commissioners shall be allowed and payable out of the general fund.

Contingent expenses.

Commis'srs to be paid out of general fund.

Treasurer to pay.

Registry of claims.

Receivable for taxes.

Sheriff shall seize writs of board.

Rules and regulations.

Publication of organization.

SEC. 13. The treasurer of the city and county of San Francisco is hereby required and directed to pay, immediately upon presentation, out of the said general fund, the aforesaid demands as are, by the preceding sections of this act, required to be audited by the auditor, and the audit of the said auditor shall be sufficient vouchers to the said treasurer, for the payment of the same. If there should not be, at the time of the presentation of the said audited demands to the treasurer, a sufficient amount to the credit of the said general fund to meet the said demands, then the treasurer shall register the said demands in the order, and at the time of their presentation, as claims against the said fund, to be payable as other demands against the said city and county. The said demands, when audited, shall be receivable in the payment of all taxes, and all public dues, owing and payable, or to become payable, to said city and county of San Francisco, at a premium of one per cent. upon the amount of said demands.

SEC. 14. The sheriff of the city and county of San Francisco is hereby required and directed to attend on the sessions of said board, and to obey all orders of said board, and to serve all processes by them issued. All subpoenas to be signed by at least one member of the board. All other processes or orders to have attached thereto the signatures of at least two of said board. The sheriff shall be held responsible, upon his official bond, for a faithful performance of all the duties required of him under this act.

SEC. 15. The board of examiners are hereby authorized and empowered to make and enforce all such rules and regulations as they may deem necessary and expedient as to the manner and mode of the presentation of the claims to be submitted to them for their examination and decision, and also, as to all matters that may come before them under and by virtue of this act. Immediately after the organization of the board of examiners, it shall be the duty of the board to cause to be published, for at least thirty days, in three daily newspapers of the city of San Francisco, notices of the organization and objects of said board.

SEC. 16. If the said board of examiners, or the said fund commissioners, should, in anywise, be retarded or delayed in the

Extension
of time.

performance of their several duties under this act, by virtue or in consequence of any judicial proceedings or process, then to the extent of the time during which they are so delayed, shall an equivalent time be given them for the performance of their several duties under this act.

Act repealed.

SEC. 17. All laws or parts of laws in anywise conflicting with the provisions of this act, are hereby declared and made inoperative and of no effect, so far as this act is concerned.

CHAP. CCXXVI.—*An Act to repeal an Act entitled "An Act to provide for the Construction of Canals, and for draining and reclaiming certain Swamp and Overflowed Lands in Tulare Valley," approved April eleventh, one thousand eight hundred and fifty-seven.*

[Became a Law by operation of the Constitution, April 20, 1858.]

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

Act repealed.

SECTION 1. An act entitled "an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley," approved April eleventh, one thousand eight hundred and fifty-seven, is hereby repealed, and the rights, privileges, and lands, by said act intended to be granted to W. F. Montgomery, Joseph Montgomery, A. J. Downer, F. W. Sampson, and their associates and assigns, are hereby declared to be forfeited to the state.

Lands
forfeited.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twentieth day of April, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CCXXVII.—*An Act amendatory of an Act entitled "An Act to provide for the Payment of the Debts of the Counties of San Luis Obispo and Santa Barbara," approved March thirty-first, one thousand eight hundred and fifty-seven.*

[Approved April 21, 1858.]

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

SECTION 1. Section first of "an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara," is hereby amended so as to read as follows :

Special tax.

Section one—The boards of supervisors in and for the counties of San Luis Obispo and Santa Barbara, in addition to the other taxes they may levy under authority of law, may, annually, levy a special tax, not to exceed one per cent. on the real and personal property in their respective counties, to be assessed, col-

lected, and paid, in the same manner and at the same time as other taxes are, or may hereafter be, assessed, collected, and paid.

Sec. 2. Section second of said act is hereby amended so as to read as follows:

Section two—One-half of the entire revenue paid into the county treasury, of the respective counties, for county purposes, shall be set apart by the treasurers of said counties for the redemption of outstanding county warrants in the order of their presentation to said treasurers for payment, commencing with the oldest outstanding warrant. One-tenth of the entire revenue of said counties shall be apportioned by the boards of supervisors of said counties to such fund or funds as said supervisors may, in their discretion, deem to be for the best interests of said counties; and the remaining four-tenths of the revenue of said counties shall constitute a sinking fund for said counties, and shall be kept as such by the county treasurers thereof.

Redemption
of warrants.

Sinking fund

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

Section four—The board of supervisors of each of said counties shall, and may, during the first two weeks of any of their regular meetings, make and enter into such contract, or contracts, as to them may seem meet, for the purchase of said outstanding warrants of their respective counties, irrespective of any order of date, and draw on the said sinking fund of their respective counties for the purchase money; *Provided*, that said boards shall make no purchase for a price greater than ninety cents on the dollar of the principal of said warrants, exclusive of interest.

Contract for
purchase of
warrants.

CHAP. CCXXVIII.—*An Act for the relief of Hugh O'Donnell.*

[Approved April 21, 1858.]

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

SECTION 1. The board of supervisors of the city and county of San Francisco are hereby authorized and directed to allow to Hugh O'Donnell the amount of a certain judgment recovered in the superior court of the city of San Francisco, on the first of April, one thousand eight hundred and fifty-seven, for the sum of nine thousand and seventy-four 51-100 dollars, with interest and costs, which judgment was recovered by the said O'Donnell against the city of San Francisco.

Supervisors
directed to
allow claim.

SEC. 2. The auditor of said city and county is hereby authorized and directed to audit the sum so allowed, and issue his warrant therefor, whereupon, and upon the presentation thereof, the treasurer of the said city and county shall pay the same, as other indebtedness of the city and county aforesaid.

Warrant.

CHAP. CCXXIX.—*An Act amendatory of an Act entitled "An Act fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare," approved April sixteenth, one thousand eight hundred and fifty-six.*

[Approved April 21, 1858.]

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

Salary of
district att'y

SECTION 1. Section two of the act approved April sixteenth, one thousand eight hundred and fifty-six, fixing the salaries of the county judge and of the district attorney of the county of Tulare, is hereby amended so as to read as follows :

Section two—The salary of the district attorney of Tulare county shall be five hundred dollars per annum.

CHAP. CCXXX.—*An Act to audit the Claim of G. Elliot and Cook and Cofran.*

[Approved April 21, 1853.]

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

Claim
allowed.

SECTION 1. The claim of G. Elliot and Cook and Cofran, for brick furnished the state prison in the month of June, one thousand eight hundred and fifty-five, the sum of twenty-five hundred dollars, is hereby audited and allowed ; *Provided*, that they, the said G. Elliot and Cook and Cofran, surrender to the Treasurer of State, Controller's warrants numbered from six hundred and thirty-six to six hundred and forty, inclusive, issued the fourth day of December, one thousand eight hundred and fifty-five, and the same to be canceled by the Secretary, Controller, and Treasurer of State.

CHAP. CCXXXI.—*An Act to abolish Public Executions.*

[Approved April 21, 1858.]

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

Death penal-
ty executed
privately.

SECTION 1. That whenever, hereafter, any person shall be condemned to suffer death, for any crime of which such person shall have been convicted, the said punishment shall be inflicted on such person within the walls or yard of the jail, or some convenient private place in the county in which such person shall have been convicted ; and it shall be the duty of the sheriff of said county to attend and be present at such execution, to which he shall invite the presence of a physician, the district attorney of said county, and twelve respectable citizens, unless, in his discretion, a larger number be necessary, who shall be selected by the sheriff, and the said sheriff shall, at the request of the crimi-

Persons
present.

nal, permit such ministers of the gospel, not exceeding two, as such person may name, and any of such persons, relatives, or friends, not to exceed five, to attend and be present at such execution, together with such officers of the prison, and such of the sheriff's deputies, as the said sheriff may think expedient, to witness said execution; *Provided*, that no person under lawful age shall be permitted, on any account, to witness said execution.

SEC. 2. After the execution, the sheriff shall make a return upon the death warrant, setting forth particularly that said warrant has been executed according to law. Return upon warrant.

SEC. 3. This act shall take effect, and be in force, from and after the first day of July, A. D. eighteen hundred and fifty-eight.

CHAP. CCXXXII.—*An Act to prohibit the Collection of Accounts for Liquors sold at retail.*

[Approved April 21, 1858.]

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

SECTION 1. The purchase of, or the sale and delivery of any spirituous or malt liquors, wine or cider, by retail, or by the drink, is hereby declared to be an invalid consideration for any promise to pay, or assumpsit of account therefor, when the amount of such account or demand exceeds five dollars. Liquor acct's invalid.

SEC. 2. No court shall, in any action at law, render judgment for a greater amount than five dollars, for the sale, at retail or by the drink, of any spirituous or malt liquors, wine or cider, together with costs. Judgment.

SEC. 3. This act shall take effect, and be in force, from and after the first day of June, one thousand eight hundred and fifty-eight; *Provided*, nothing in this act shall be so construed as to affect, in any manner, debts contracted prior to said first [day of] June, one thousand eight hundred and fifty-eight. Take effect. Proviso.

CHAP. CCXXXIII.—*An Act to authorize the Funding of the Unfunded Debt of the City of San José, and to provide for the payment of the same.*

[Approved April 21, 1858.]

Whereas, A portion of the debt of the city of San José, which was authorized to be funded by said city by an act approved April nineteenth, A. D. one thousand eight hundred and fifty-six, authorizing the funding of the debt of the city of San José, and to provide for the payment of the same, was not funded; *And, whereas*, the creditors of said city are desirous of funding the said unfunded debt; therefore, Preamble.

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

SECTION 1. The city of San José is hereby authorized and

- empowered to fund its unfunded debt contracted prior to the first day of January, A. D. one thousand eight hundred and fifty-eight, and to that end a board of commissioners is hereby created, to consist of William Daniels, Thomas Fallon, and James C. Cobb, to be styled the Board of Commissioners of the Funded Debt of the City of San José, and shall have and exercise the powers and perform the duties hereinafter provided, and they and their successors shall continue as trustees for the trust hereinafter provided, until the debt hereinafter provided to be funded shall be paid and the objects of this act shall be carried out and completed. The said commissioners shall, before they enter upon the discharge of their duties, file with the clerk of the board of trustees of said city, a joint and several bond, payable to said city, in a penalty of fifteen thousand dollars conditioned for the faithful performance of their duties under this act, and they shall each make and subscribe an oath before some competent authority to administer oaths, that they will faithfully discharge their duties and attend to the interests of all parties concerned in the provisions of this act.
- Unfunded debt.**
- Board of commis'sners.**
- Penal bonds.**
- City bonds.** SEC. 2. The said commissioners herein provided for, shall cause to be prepared, and shall have the power to issue on behalf of said city, bonds, including those already issued by said city, an amount not exceeding in all the sum of forty-five thousand dollars, bearing interest at a rate not to exceed twelve per centum per annum, of the denomination of five hundred dollars, with coupons for interest attached, which bonds shall be made payable at the treasurer's office in said city, on or before the first day of January, A. D. one thousand eight hundred and seventy, and interest on the same shall be made payable, and paid by the treasurer of said city, at his office, semi-annually, on the first day of January and July of each year, on presentation of the respective coupons therefor. Every bond so issued shall be signed by each member of said board of commissioners, and be authenticated with the corporate seal of the city of San José, and shall purport that the city owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. The coupons shall also be signed by each member of said board of commissioners.
- Interest.**
- Signed.**
- Coupons.**
- Exchange at par.** SEC. 3. Said commissioners may issue said bonds at par, to persons holding indebtedness, in exchange and cancellation of the same.
- Meetings.** SEC. 4. The said board of commissioners shall hold their meetings in the city hall of said city, as often as they may deem proper, for the transaction of any business imposed on them by this act. They shall choose a secretary from their own body. It shall be the duty of the secretary of said board to attend the meetings thereof, and he shall keep a correct minute of their proceedings; he shall also keep a register of the amount of the blank bonds received, and of the amount of each bond issued, its date, to whom issued, for what purpose, its number, and when payable. Said board of commissioners shall deliver over to the clerk of the board of trustees of said city, all records, papers, etc., connected with business under this act, whenever the same shall be fully completed. The secretary of said board of commissioners shall receive no compensation whatever, as secretary, for the perform-
- Secretary.**
- Papers, etc.**

ance of his duties under this act. The said commissioners shall publish annually, on the first day of January of each year, a full report of their entire proceedings for the year.

SEC. 5. No appropriation shall be made out of the yearly revenue arising from taxation of the real and personal property of said city, until sufficient money shall have been set aside to pay the interest upon all the bonds outstanding. There shall also be set aside from each year, by revenue derived from taxation upon the real and personal property of said city, the further sum of four thousand dollars, as a sinking fund for the redemption of the bonds of said city, issued as well under this act as under an "act to authorize the funding of the debt of the city of San José, and to provide for the payment of the same, approved April nineteenth, one thousand eight hundred and fifty-six;" so that four thousand dollars of the bonds of said city, issued under this act and under said act of April nineteenth, one thousand eight hundred and fifty-six, may be redeemed annually. But the said city shall not be compelled to redeem more than four thousand dollars of her funded debt, whether under this act or the act of April nineteenth, one thousand eight hundred and fifty-six, aforesaid, annually. Whenever said city, or the commissioners herein provided, shall have funds to redeem any greater sum than four thousand dollars of her funded debt, the board of commissioners are hereby authorized so to redeem such additional amount of bonds, in the same manner as the four thousand dollars above and hereinafter specified may be redeemed.

SEC. 6. On the first day of January and July, one thousand eight hundred and fifty-nine, and semi-annually thereafter, it shall be the duty of the city treasurer, from the moneys in his hands set aside and appropriated for that purpose, to pay the semi-annual interest on the bonds outstanding, and also to redeem four thousand dollars annually, on the first day of January each year, of the principal of the bonds issued under this act and the said act of April nineteenth, one thousand eight hundred and fifty-six, together, by previously advertising, for two weeks, in some public newspaper published in the county of Santa Clara, for proposals for the redemption of said bonds, and for such other additional amount as the board of trustees of said city, and the commissioners herein provided for, may authorize. The treasurer shall open the sealed proposals, at the time and place specified in the notice published as aforesaid, in the presence of the president of the board of trustees of said city, and the commissioners, and such persons as may choose to be present, and shall accept only such bids as shall cancel the greatest amount of said bonds; *Provided*, that no bonds shall be redeemed at a rate greater than one hundred cents in the dollar, in bonds, unless otherwise directed by ordinance of the board of trustees of said city; and all bonds that shall be redeemed, or coupons that shall be paid, shall be marked canceled, and be cut on the day of their redemption, and be passed over within thirty days to the board of commissioners.

SEC. 7. There shall be but one sinking fund under this act and the act of April nineteenth, one thousand eight hundred and fifty-six, aforesaid, and all bonds issued under both acts, shall be entitled to be redeemed in the same manner, and out of the same sinking fund.

Compensat'n SEC. 8. Each member of the board of commissioners shall be entitled to receive the sum of two hundred dollars per annum, for services under this act, but no other compensation.

Ordinances. SEC. 9. The board of trustees of the city of San José shall have power to pass any ordinance necessary to carry into effect the provisions of this act.

Property in trust. SEC. 10. The board of trustees of the city of San José are hereby required to convey to the commissioners of the funded debt created by this act, on their application therefor, all the property, and rights, titles, and interest in property belonging to said city, together with lands, and rights in lands, or claims to the same, held or owned by the former, the Pueblo de San José, the Guadalupe, and all the pueblo rights of said pueblo. Said lands to be held by said board of commissioners in trust for the payment of the debts herein provided to be funded. Said board

Power to sell of commissioners shall have power to sell or dispose of such lands in such manner as they may deem the best interests of the city shall require; and all moneys received from the disposal of such lands, shall be applied to the payment of the debts hereby funded, after paying the necessary expenses of said board. Said board shall have power, in their name, as commissioners of the funded debt of the city of San José, to sue for, and bring all necessary suits, and take all necessary proceedings for the recovery of, or preservation of, or securing the property by this act provided to be conveyed to them. The property so conveyed, shall be free from taxation as against said city of San José or the board of commissioners, and said property shall also be exempt from execution as against said city.

District court to enforce obedience. SEC. 11. The district court having original civil jurisdiction within the county of Santa Clara, shall have power to enforce obedience to the provisions of this act, and for that purpose may issue process of *mandamus*, *distringas*, *sequestration*, and *attachment*, and any public officer who shall willfully violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to indictment and punishment therefor.

Vacancy. SEC. 12. All vacancies in said board of commissioners shall be filled by the board of trustees of the city of San José. A vacancy shall be deemed to have occurred by the death, resignation, or absence from the city of San José six months successively, of either of the persons acting as such commissioners.

CHAP. CCXXXIV.—*An Act authorizing the Board of Supervisors of Los Angeles County to contract a loan for the purpose of erecting a Court-House, and completing the same.*

[Approved April 21, 1858.]

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

Contract for a loan. SECTION 1. For the purpose of building a court-house and finishing the county jail, the board of supervisors of Los Angeles county are hereby authorized to contract for a loan not to exceed twenty-five thousand dollars, at a rate of interest not to exceed

fifteen per cent. per annum, payable annually, January first of each and every year, until paid, at the office of treasurer of Los Angeles county. Said loan to be contracted, paid, and the proceeds thereof applied, as herein set forth.

SEC. 2. Whenever the board of supervisors aforesaid shall determine to erect a court-house and finish the jail as aforesaid, they shall cause to be prepared, the proper plans and specifications, and estimates of probable cost, and then advertise for sealed proposals for a loan for the purposes herein designated, in one newspaper in the county of Los Angeles, and one in San Francisco, for sixty days. Proposals.

SEC. 3. The bidder shall state in his proposal the rate at which he will make the loan, and as an evidence of his ability to fulfill his proposal, shall be required to deposit with the treasurer of Los Angeles county, cash, or its equivalent, to the amount of one-fifth of the loan, before his proposal can be considered; said deposit, if cash, to be detained by the county in case of his proposal being accepted, and credited on his loan; otherwise to be returned to the said bidder making said deposit. Deposit.

SEC. 4. The sealed proposals shall be opened in presence of the board of supervisors and county treasurer, and the loan awarded to the lowest bidder. Award.

SEC. 5. Upon the payment unto the county treasurer of the amount of the loan by the accepted bidder, he shall receive an obligation in the name of the county of Los Angeles, for the amount so loaned, payable on or before January first, one thousand eight hundred and sixty-seven, at the rate of interest agreed on as above; said obligation shall be signed by the county treasurer, and countersigned by the chairman and clerk of the board of supervisors. Obligation.

SEC. 6. For the purpose of paying the interest on the debt contracted as above, and provide for the payment of the principal, the board of supervisors aforesaid are hereby authorized to levy a special tax, not to exceed twenty-five cents on each one hundred dollars of taxable property in the county of Los Angeles, to be levied and collected as other taxes; and said tax shall continue to be levied, collected, and appropriated, as herein-after directed, without increase or diminution of the rate of taxation until the debt contracted as herein provided be paid. Special tax.

SEC. 7. The moneys arising from the taxes herein authorized to be collected, shall be set apart by the county treasurer, and constitute the "Court-House Fund." The treasurer, out of this fund, shall each and every year pay first the annual interest accrued, and pay the balance remaining on the principal of the loan. Court-house fund.

SEC. 8. The board of supervisors aforesaid shall state, in their advertisement for proposals, the rate of taxation they propose to levy for the payment of the interest and principal of the debt thus created, and as soon as the loan shall be perfected, they shall forthwith proceed to levy the tax so stipulated to be levied, and the said board are hereby prohibited from making any order increasing or diminishing the rate of taxation, or preventing the annual levying, collecting, and disbursements of the tax, as herein provided. Manner of advertising.

SEC. 9. The creditor making the loan as aforesaid, is hereby

Cessation of interest. required to receive and credit on his loan, at par, all moneys remaining in the court-house fund, after the payment of each annual interest; and in case of his not presenting his obligation for payment, the interest shall cease from and after January of each and every year, on his obligation, to the amount then in the court-house fund, after setting aside the annual interest then due.

Contracts for building. SEC. 10. So soon as the loan shall have been effected, the board shall advertise for sealed proposals for the building of a court-house and completion of county jail, for at least three weeks, in some newspapers in Los Angeles county; said proposals to be opened in the presence of the board, and the contract awarded to the lowest bidder, on his satisfying the board of his ability to comply with his contract. The board is authorized to reject any exorbitant bid, and to advertise for new proposals, in case of no suitable bid being made.

Publication of act. SEC. 11. This act shall be published in the Los Angeles Star, or some other paper, to be printed at Los Angeles, in the English language, and the Clamor Publico, or some other paper to be printed in Los Angeles, in the Spanish language, for three weeks next previous to the election, to be held on the first Wednesday of September, one thousand eight hundred and fifty-eight; and at such election the electors are hereby instructed to vote "for loan" or "against loan;" and if upon the official returns of the election it shall appear that a majority of those voting thereon shall have voted in favor of a loan, this act shall take effect on the first day of October, one thousand eight hundred and fifty-eight; otherwise to be void.

Vote on loan.

CHAP. CCXXXV.—*An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State.*

[Approved April 21, 1858.]

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

SECTION 1. The swamp and overflowed lands belonging to this state, or that may hereafter be granted to this state by act of Congress, entitled "an act to enable the state of Arkansas, and other states, to reclaim the swamp lands within their limits," passed September twenty-eighth, eighteen hundred and fifty, shall be sold at the rate of one dollar per acre, in manner prescribed by this act; and the proceeds of the sales thereof, under this or any former act shall be paid into the treasury of this state, as state revenues, and shall be credited to the account of a swamp land fund, to be appropriated for the reclamation of said lands, as the Legislature may hereafter direct; *Provided*, that, if upon the survey of such lands, any portion thereof shall be found to be lands belonging to the state by right of her sovereignty, the moneys arising therefrom shall be paid into the treasury of the state as other state revenues.

Swamp lands at \$1 per acre.

Swamp land fund.

SEC. 2. Any person, who may be entitled by the laws of this state to become a citizen thereof, wishing to purchase land

under the provisions of this act, shall file an affidavit in the surveyor's office of the county in which the land sought to be purchased, or the larger portion thereof, is situated, that he has not entered any other land under the provisions of this act, or under the provisions of an act passed April twenty-eighth, eighteen hundred and fifty-five, entitled "an act to provide for the sale of the swamp and overflowed lands belonging to this state," which, with the land sought to be purchased, shall exceed three hundred and twenty acres, and that he does not know of any legal or equitable claim, other than his own, to the land sought to be purchased; that such purchase is sought for the purpose of settlement and reclamation by affiant; and that he has not directly, nor indirectly, made any agreement or contract, in any way or manner, with any person, or persons, whatsoever, by which the title he may acquire from the government of the state should inure, in whole or in part, to the benefit of any person except himself. He shall then cause the land sought to be purchased to be surveyed; or, in case of a previous legal survey, shall cause the said survey to be approved and certified by the county surveyor of the county in which such land, or the larger [portion] thereof, is situated.

SEC. 3. It shall be the duty of said county surveyor to make out a plat and field notes of every survey made or approved by him under the provisions of this act; he shall record the same in his office, and forward duplicate certified copies of the same to the Surveyor General of this state, within ten days after such survey may be completed or approved, as aforesaid, together with a copy of the affidavits required by section two of this act. And it shall be the duty of the Surveyor General, when the survey, upon examination, is found to be correct, to return one of the duplicate copies, with his approval endorsed thereon, to the said county surveyor, to be by him delivered to the person for whom the survey was made, and the county surveyor shall record the approval of the same in his office; and it shall also be the duty of the Surveyor General, when the survey has been made according to the provisions of this act, to file the same in his office, and to transmit a copy to the register of the land office of this state.

SEC. 4. The purchaser of land under the provisions of this act, shall, within thirty days after the record of the approval of the Surveyor General, as aforesaid, and upon presentation of such plat and field notes for record, approved by the Surveyor General as aforesaid, pay to the county treasurer of said county, one dollar per acre for all the land contained in such survey, which may be paid in money, and take said treasurer's duplicate receipts for the same, and have such receipts recorded in the office of the county auditor immediately upon the receipt of the same, and it shall be the duty of the county auditor to transmit a certified copy of said receipts to the register of the land office as soon as it is recorded in his office.

SEC. 5. It shall be the duty of the county treasurer of such county to pay over to the Treasurer of this state, at the same time and in the same manner as other state revenues, all moneys received by him under the provisions of this act; and he shall at the same time transmit to the State Controller a certificate

Affidavit.

320 acres.

Surveyed.

Plat and field notes.

Certified copies.

Endorsed.

Filed with surveyor.

Paym't and receipt.

Co. treasurer to certify.

showing the name of the purchasers, the numbers of the surveys, as shown by the records of the county surveyor, and the number of acres purchased, and the amount of money to be credited to the swamp land fund.

Register to issue certificate. SEC. 6. It shall be the duty of the State Treasurer, upon receipt of the purchase money, according to the provisions of this act, to certify the same to the register of the land office, whose duty it shall be to issue a certificate of purchase to the purchaser, designating the lands purchased, by their proper sections, townships, and ranges, connecting with the United States surveys, unless the location has been made for the protection of the actual settler, as hereinafter provided. But the register shall not issue a second certificate of purchase of the same land; nor shall the name of one purchaser be substituted for another at any time before the certificate is issued by the register, as provided in this act.

Evidence of title. SEC. 7. The certificate of purchase issued by the register, as aforesaid, or by the Secretary of State, under the provisions of an act entitled "an act to provide for the sale of the swamp and overflowed lands belonging to this state," passed April twenty-eighth, one thousand eight hundred and fifty-five, shall be *prima facie* evidence of title, and all persons holding any such certificate, or certificates, of the register, shall present the same to the Governor of this state; and, should the Governor find that the land, or a part of the land, designated in said certificate, belongs or has been confirmed to the state, and the whole amount of purchase money, together with interest thereon, has been paid, he shall issue a patent for said land, or said part of said land, to and in favor of the original holder of the surrendered certificate, or to his legal representatives; or, in case such original certificate has been assigned, then to the last assignee of such certificate, or to his legal representative, and the title shall vest in such assignee or legal representative as effectually as if he had been the original purchaser; *Provided*, that neither the patent provided for in this section, nor the certificate provided for in the sixth section of this act, shall have any other legal effect or force than as a quit-claim of all right, title, and interest, on the part of the state.

Issue patent.

Quit-claim.

No more than 320 acres. SEC. 8. No person shall become the original purchaser, as aforesaid, under the provisions of this act, of more than three hundred and twenty acres, and the same must be taken in quarter sections, according to the United States survey, except as hereinafter provided for the protection of actual settlers, or where such location is impracticable, or where smaller subdivisions are found necessary, in order to make up three hundred and twenty acres, or the number of acres sought to be purchased, and so certified by the county surveyor; then, and in that case, the next legal subdivision or fractional section may be taken; *Provided*, the whole does not exceed three hundred and fifty acres, or measure more than one-half mile front on any bay or navigable stream.

Settlers to comply with law. SEC. 9. Any person, or persons, having or holding a settler's claim, under the laws of this state for the protection of settlers, or having or holding a claim by right of actual possession, or having or holding a claim by survey and location, to swamp

lands excepted from the provisions of the act entitled "an act to provide for the sale of the swamp and overflowed lands belonging to this state," passed April twenty-eight, one thousand eight hundred and fifty-five, upon any of the swamp and overflowed lands embraced within the provisions of this act, shall be protected in his, her, or their possession, according to the boundary lines of said possession or location; *Provided*, that he, she, or they shall, within twelve months from and after the passage of this act, comply with all the other requirements of purchasers under the provisions of this act; *Provided, further*, that the said claim shall not exceed three hundred and twenty acres, or measure more than one-half mile front, by legal subdivision, on any bay, lake, or navigable stream.

SEC. 10. When there are conflicting claims to such lands, the register may administer oaths, and shall, upon proper notice to the parties, and upon hearing testimony and statements under oath, decide to whom the certificate shall be issued, in accordance with the law on the subject, and shall issue the certificate accordingly. Conflicting claims.

SEC. 11. All surveys under the provisions of this act, shall be made according to the instructions from the Surveyor General, and shall be made to conform to the surveys of the public lands by the general government, except that the lands held by actual settlers shall be surveyed after what is known as the geodetic method, and such geodetic surveys shall be made to conform to the lines and boundaries established by such settlers. Surveys.

SEC. 12. All expenses attending the survey and purchase of land, under the provisions of this act, so far as the same applies to the county officers of the county in which the land is sought to be purchased, shall be paid by the purchaser; but the purchaser shall not be required to pay for a second survey of land, in case of a previous legal survey of the same, or in case the survey is not approved by the Surveyor General. Expenses.
Sec'd survey.

SEC. 13. The swamp and overflowed lands situated within the city and county of San Francisco, and within five miles of San Diego and Oakland, or within the limits of the town or village of Washington, Yolo county, according to the map or plat thereof, or of any incorporated city or town in this state, shall be, and are hereby, excluded from the provisions of this act; *And provided, also*, no salt-marsh land shall be subject to be located under the provisions of this act for a period of six months from and after its passage, except by parties owning or occupying the adjoining arable lands; *Provided*, that the foregoing proviso shall not apply to the counties of Napa, Solano, Yolo, Contra Costa, and San Joaquin. Lands exempted.
Salt-marsh land.

SEC. 14. County surveyors are hereby authorized to administer oaths. Oaths.

SEC. 15. It shall be the duty of the Surveyor General to transfer all surveys made under the provisions of an act entitled "an act to provide for the sale of the swamp and overflowed lands belonging to this state," passed April twenty-eighth, one thousand eight hundred and fifty-five, to the state register. Transfer surveys.

SEC. 16. An act entitled "an act to provide for the sale of the swamp and overflowed lands belonging to this state," passed April twenty-eighth, one thousand eight hundred and fifty-five,

Act repealed. is hereby repealed; *Provided*, that the repeal of said act shall in no wise disturb or affect any rights which have become vested, or which have accrued under the act hereby repealed.

CHAP. CCXXXVI.—*An Act for the relief of Daniel J. Thomas.*

[Approved March 21, 1858.]

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

Acc't allow'd SECTION 1. The board of examiners may audit and allow an account of Daniel J. Thomas, for the sum of two hundred and fifty dollars, for services rendered the state under joint resolution number twenty-one of the eighth session of the Legislature; and the Controller shall draw his warrant therefor on the Treasurer of State, and the sum of two hundred and fifty dollars is hereby set apart and appropriated out of the general fund to pay the same.

CHAP. CCXXXVII.—*An Act to fix the Compensation of the District Attorney of the County of Sierra.*

[Approved April 21, 1858.]

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

Salary. SECTION 1. The district attorney of the county of Sierra shall be entitled to receive for his services, annually, the sum of two thousand dollars.

Act repealed. SEC. 2. All acts and part of acts, so far as they conflict with the provisions of this act, are hereby repealed.

CHAP. CCXXXVIII.—*An Act fixing the Salary of the District Attorney of Solano County.*

[Approved April 21, 1858.]

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

Salary. SECTION 1. The district attorney of Solano county shall receive for his services, annually, the sum of fifteen hundred dollars, from and after the passage of this act.

CHAP. CCXXXIX.—*An Act to fix the amount of the Official Bonds of the County Officers in and for the Counties of San Diego and San Bernardino.*

[Approved April 21, 1858.]

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

SECTION 1. The county officers hereinafter named, in the counties of San Diego and San Bernardino, shall give bonds for the faithful discharge of their official duties as prescribed by law, in the following named sums, respectively: The treasurer, ten thousand dollars; the sheriff, ten thousand dollars; the county clerk, five thousand dollars; the district attorney, three thousand dollars; the county surveyor, three thousand dollars; the assessor, three thousand dollars; the coroner, two thousand dollars. Official bond.

SEC. 2. All acts or parts of acts, in conflict with the provisions of this act, so far as they apply to the counties of San Diego and San Bernardino, are hereby repealed. Act repealed.

CHAP. CCXL.—*An Act to authorize the State Treasurer to issue to the heirs of Charles H. Ross, deceased, two duplicate School-Land Warrants, in lieu of certain warrants destroyed.*

[Approved April 21, 1858.]

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

SECTION 1. The Treasurer of State is hereby authorized and required to issue and deliver two school-land warrants for one hundred and sixty acres each, to the heirs or legal representatives of Charles H. Ross, deceased, late of the county of Sacramento, to be numbered two hundred and twenty-nine and two hundred and thirty, bearing date the twenty-ninth day of June, A. D. eighteen hundred and fifty-two, and the word "duplicate" written across the face of the same. Duplicate warrants.

SEC. 2. The said "duplicate land warrants" shall be of the same force and effect, and any location under the same, shall be of the same validity as the original land warrants, and the location thereof, could be, provided the same had not been lost or destroyed; *Provided*, that before the issuance of said duplicate land warrants, the party entitled to receive the same, shall execute and deliver to the Treasurer, a bond, with good and sufficient sureties, in the penal sum of six hundred and forty dollars, conditioned to be paid if the originals shall ever be re-located. Validity.

CHAP. CCXXI.—*An Act for the relief of Certain Persons.*

[Approved April 21, 1858.]

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

SECTION 1. The sum of twenty-nine dollars and sixty-two cents is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying

Moneys appropriated. Oscar Ball. Oscar O. Ball for advertising reward in Marysville Inquirer, in one thousand eight hundred and fifty-seven. And the sum of eleven dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, for the purpose of paying

Hammond & Co. Hammond and Company for articles furnished sergeant-at-arms of Assembly in one thousand eight hundred and fifty-seven. And the sum of two hundred dollars is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying

S. Neal. Samuel Neal, junior, for services in assisting the completing of the indexes of Senate and Assembly journals, and the revenue laws of one thousand eight hundred and fifty-seven. And the sum of two hundred and thirty dollars and fifty cents is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for paying

F. Forman. Ferris Forman for postage in the year one thousand eight hundred and fifty-seven. And the sum of one hundred and thirty-four dollars and twenty-five cents is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for paying the Sacramento Gas Company for gas furnished

Gas company in one thousand eight hundred and fifty-seven.

CHAP. CCXLII.—*An Act to suppress Injurious Publications.*

[Approved April 21, 1858.]

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

SECTION 1. Every person who shall knowingly advertise, print, publish, distribute, or circulate, or knowingly cause to be advertised, printed, published, distributed, or circulated, any pamphlet, printed paper, book, newspaper notice, advertisement, or reference, containing words or language giving or conveying any notice, hint, or reference, to any person, or to the name of any person, real or fictitious, from whom, or to any place, house, shop, or office, where any poison, drug, mixture, preparation, medicine, or noxious thing, or any instrument or means whatever, or any advice, direction, information, or knowledge may be obtained, for the purpose of causing or procuring the miscarriage, or premature delivery of any woman pregnant with child, shall be punished by imprisonment in the state prison, for a term not less than three years, nor more than ten years.

CHAP. CCXLIII.—*An Act to authorize the Board of Supervisors of the County of San Diego to levy a Special Tax for Road purposes.*

[Approved April 21, 1858.]

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

SECTION 1. The board of supervisors in and for the county of San Diego are hereby authorized and empowered to levy and cause to be collected, in the manner and at the same time as other state and county taxes, the following annual tax, to wit: a sum not to exceed fifteen cents on each one hundred dollars' valuation of all taxable property in said county. Special tax.

SEC. 2. Said tax, when collected, shall constitute a special fund, to be called the road fund, and shall be applied only to the opening of new roads, and the improvement of such roads as are now used in said county. Road fund.

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

CHAP. CCXLIV.—*An Act concerning the County Records of the County of Sutter.*

[Approved April 21, 1858.]

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

SECTION 1. The county recorder of Sutter county is hereby authorized and required, as soon as the same can be conveniently done, to transcribe in such manner, and into such books as are prescribed by section twelve of an act entitled "an act concerning county recorders," passed March twenty-sixth, eighteen hundred and fifty-one, the following books of record in his office, namely: the book known as "book A;" also, the book known as "book C." He shall also make indexes to the same, as required by section fourteen of the act concerning county records, passed March twenty-sixth, one thousand eight hundred and fifty-one. Transcribe books A & C.

SEC. 2. Copies of any of the records transcribed as provided in this act, certified to be a full, true, and correct copy, under the hand and seal of the recorder, shall be legal evidence, and be received in all the courts of this state, and shall have the same force and effect as the original record. Indexes. Validity.

SEC. 3. For services under this act, the recorder shall receive pay out of the county treasury at the rate of twenty cents per folio of one hundred words, and he shall be allowed no further compensation whatever for his services under this act. Compensat'n

SEC. 4. The original records shall be carefully preserved in the office of said recorder. Originals.

CHAP. CCXLV.—*An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, A. D. one thousand eight hundred and fifty.*

[Approved April 21, 1858.]

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

SECTION 1. Section fifty-eight of an act entitled "an act concerning crimes and punishments," is amended to read as follows :

Burglary.

Section fifty-eight—Every person who shall, in the night-time, forcibly break and enter, or without force enter (the doors or windows being open) any house, room, apartment or tenement, or any tent, vessel, or water-craft, with intent to commit grand or petit larceny, or any felony, shall be deemed to be guilty of burglary, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than one nor more than ten years.

CHAP. CCXLVI.—*An Act to pay Thomas Tennent for the storage of the Standard of Weights and Measures belonging to the State.*

[Approved April 21, 1858.]

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

Money appropriated.

SECTION 1. The Controller of State is hereby directed to draw his warrant upon the State Treasurer for the sum of one hundred and seventy-seven dollars and sixty-five cents, for storage of the state's standard of weights and measures, and that sum is hereby appropriated out of any moneys in the general fund not otherwise appropriated.

CHAP. CCXLVII.—*An Act reducing the amount of Bonds to be given by County Officers in and for the Counties of Klamath, Del Norte, and Humboldt.*

[Approved April 21, 1858.]

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

Official bond.

SECTION 1. The county officers hereinafter named, in the counties of Klamath, Del Norte, and Humboldt, shall give bonds for the faithful performance of their official duties as prescribed by law, in the following named sums, respectively: The sheriff in the sum of ten thousand dollars; the sheriff, for the collection of foreign miners' licenses, ten thousand dollars; the clerk in the sum of three thousand dollars; the clerk, as recorder, in the sum of three thousand dollars; the district attorney in the sum of five thousand dollars; the county surveyor in the sum of

two thousand dollars; the county assessor in the sum of three thousand dollars; the coroner in the sum of two thousand dollars; the treasurer in a sum not less than ten thousand dollars; the public administrator in a sum of not less than twelve thousand dollars.

SEC. 2. All acts or parts of acts, in conflict with the provisions of this act, so far as they apply to the counties of Klamath, Del Norte, and Humboldt, are hereby repealed. Act repealed.

CHAP. CCXLVIII.—*An Act to incorporate the Town of Coloma.*

[Approved April 21, 1858.]

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

SECTION 1. The inhabitants of the town of Coloma are hereby constituted a body corporate and politic, under the name and style of The Town of Coloma, and by that name and style they and their successors shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all the liabilities, restrictions and provisions of, an act entitled "an act to provide for the incorporations of towns," approved April nineteenth, one thousand eight hundred and fifty-six, so far as the provisions of said act may be consistent with the provisions of this act. Coloma incorporat'd.

SEC. 2. The area of said town of Coloma shall be one mile square, having the south-west corner of the old court-house, in said town, for its centre; the boundary lines running parallel with the cardinal points of the compass. Area of town

SEC. 3. As soon as the board of supervisors of El Dorado county, whether at a regular or special session of said board, shall have received a copy of this act, they shall order an election of the officers of said corporations, specifying in said order the time and place of election in said town, but the time of said election shall not exceed ten days from the date of said order. Election.

SEC. 4. The board of trustees of said town shall not have power to contract any debt or debts which singly or in the aggregate shall exceed the sum of five hundred dollars, unless [by] the consent of a majority of the voters of said town, voting at a special election ordered by the trustees of said town, of which election public notice shall be given by notices posted in at least six public places in said town, and by publication in a newspaper, if there be one in said town, for at least ten days prior to such election. Town debt.

SEC. 5. The compensation of said board of trustees shall not exceed one dollar per annum. The clerk shall receive twenty-five dollars per annum. The treasurer shall receive five dollars per annum. The assessor shall receive ten dollars per annum. The marshal, while acting as a watchman, shall receive seventy-five dollars per month. Compensat'n of officers.

SEC. 6. The officers named in section five shall be elected by the people of said town, and no other officers shall be appointed. Officers elective.

SEC. 7. The board of trustees of said town shall have power

Ordinances,
etc.

to make such by-laws and ordinances, not inconsistent with the constitution and laws of the United States and of this state, as they may deem necessary to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows and lawful games, and bars at which spirituous liquors are sold; to regulate and establish markets; to construct works necessary for duly supplying the town with water; to lay out, alter, keep open, and repair the streets and alleys of the town; to levy and collect annually a tax on all property in the town, not exceeding one-half of one per cent. on the assessment valuation thereof; to impose and collect a poll-tax of not exceeding fifty cents per annum, on every male inhabitant of twenty-one years of age and upwards; to impose and collect on dogs [a tax] not exceeding six dollars per annum on every dog found at large within the corporate limits of the town, and to pass such other by-laws and ordinances for the regulation and police of said town, as they may deem necessary.

CHAP. CCXLIX.—*An Act to amend an Act entitled an Act to create the County of Alameda, and to establish the seat of justice therein, to define its boundaries, and to provide for its organization.*

[Approved April 21, 1858.]

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

SECTION 1. Section eleven is amended to read as follows :

Am't due by
Alameda to
Santa Clara.

Section eleven—At the first meeting of the board of supervisors of the county of Alameda, after the passage of this act, said board shall appoint a commissioner, who shall meet a corresponding commissioner from the county of Santa Clara, for the purpose of ascertaining and settling the amount of indebtedness of said county of Alameda to said county of Santa Clara, and when so ascertained shall be certified by said commissioners, wherein the board of supervisors of said county of Alameda shall direct the auditor to issue a warrant in favor of the treasurer of said county of Santa Clara, for the sum awarded, payable out of any funds that may come into the treasury of Alameda county. The said commissioners shall meet at the county seat of Alameda county on or before the first Monday of July next, one thousand eight hundred and fifty-eight, for the purpose of settling the unpaid balance due from the said county of Alameda.

Commis'srs.

Umpire.

SEC. 2. If the commissioners appointed under the provisions of the first section of this act shall not agree, they shall choose a third person to act with them, for the purpose of ascertaining and settling the unpaid balance due from the county of Alameda to the county of Santa Clara; whose decision shall be certified to the boards of supervisors of said counties.

CHAP. CCL.—*An Act to amend an Act entitled "An Act to regulate the Fire Department of the City and County of San Francisco," passed March twenty-fifth, eighteen hundred and fifty-seven.*

[Approved April 21, 1858.]

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

SECTION 1. Section third of an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

Section third—The persons elected to succeed the said chief and assistant engineers shall hold office for the term of three years, or until their successors are elected and qualified ; *Provided*, that when a vacancy occurs in the office of first or second assistant engineers, the officer next below in rank shall succeed to the vacancy ; and an election be held to fill the vacancy in the lower office or offices. Whenever a vacancy occurs in the office of chief engineer, the president of the department shall order an election to fill such vacancy for the unexpired term of said office. All succeeding elections for chief and assistant engineers shall be conducted as hereinbefore provided.

Chief and
assistant
engineers.

Vacancy.

CHAP. CCLI.—*An Act to repeal an Act entitled an Act to regulate the Fire Department of the City of San Francisco, approved April thirtieth, A. D. one thousand eight hundred and fifty-five, and to fix the salaries of certain officers of the Fire Department of the City and County of San Francisco.*

[Approved April 21, 1858.]

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

SECTION 1. An act entitled an act to regulate the fire department of the city of San Francisco, approved April thirtieth, one thousand eight hundred and fifty-five, is hereby repealed.

Act repealed.

SEC. 2. The present assistant engineers of the fire department of the city and county of San Francisco shall receive, annually, a salary of twelve hundred dollars ; *Provided*, assistant engineers of said department, hereafter elected, shall receive, annually, a salary of six hundred dollars ; and the present clerk of said department shall receive a salary of fifteen hundred dollars per annum, all of which salaries shall be paid monthly out of the fire department fund.

Salary of as't
engineers.

Clerk.

CHAP. CCLII.—*An Act to allow Lindley Carson to sell certain Real Estate.*

[Approved April 21, 1853.]

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

Authorized
to sell
property.

SECTION 1. It shall be lawful for Lindley Carson, guardian of John S. Williams, junior, [an] infant, to apply by petition to the probate judge of the county of Butte for leave to sell at public or private sale a certain piece or parcel of land situate in said county of Butte, "consisting of five square leagues, more or less," known as the Ranch de Farwell, the property of the said infant.

Order of pro-
bate judge.

SEC. 2. Upon the filing of said petition, and on the like notice as is required by law in cases of sales of real estate, "made upon the order of the probate judge by executors or administrators," and upon a proper showing before the said probate judge, to his satisfaction, that such sale is necessary, or for the interest of said infant ward, said judge may make an order, authorizing said guardian to sell said real estate, "or such part thereof as he may deem proper and necessary, at public or private sale," upon such terms and upon such notice as such judge may, in his discretion, direct.

Report.

SEC. 3. Upon the order of the probate judge, as herein provided, said guardian of John S. Williams shall proceed to sell said real estate, or such portion thereof as the said order may direct, in pursuance of the terms of said order, and within twenty days thereafter shall report to the said court all his doings and proceedings under said order in reference to said sale.

Approval
of sale.

SEC. 4. Upon the coming in of said report, if the probate judge who made said order of sale, shall be satisfied that the terms of said order have been in good faith complied with, and that said sale was lawfully made and fairly conducted, and that said lands have been sold for a fair and adequate price, he may make an order ratifying and confirming said sale, and authorizing and empowering said guardian to make, execute, and deliver to the purchaser or purchasers of said lands, proper and sufficient deeds for any portion of said lands purchased by them at said sale, and to take from them such security, for the payment of any portion of the purchase money, as the court may by its order direct.

Deeds.

SEC. 5. All deeds or mortgages made and executed under the provisions of this act, "shall recite this act by its title, and refer to the order of sale and the order of confirmation thereof."

CHAP. CCLIII.—*An Act to fix the Salary of the District Attorney of the County of Tehama.*

[Approved April 21, 1858.]

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

SECTION 1. From and after the passage of this act, the district ^{Salary.} attorney of the county of Tehama shall receive a salary of one thousand and two hundred dollars per annum; which salary shall be audited in the same manner, and paid at the same times, as the salary of the county judge of said county is audited and paid.

CHAP. CCLIV.—*An Act to audit certain Claims.*

[Approved April 21, 1858.]

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

SECTION 1. The claim of William Clark, for freight on goods ^{w. Clark.} and merchandise furnished state prison to thirty-first December, one thousand eight hundred and fifty-five, the sum of two hundred dollars is hereby audited and allowed. The claim of George ^{G. McGee.} McGee, for one boat, purchased for state prison, and freight carried to state prison in the year one thousand eight hundred and fifty-five, the sum of three hundred and eighty-five dollars and thirty-seven cents, is hereby audited and allowed.

CHAP. CCLV.—*An Act to audit the Claim of G. W. Ryckman.*

[Approved April 21, 1858.]

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

SECTION 1. The claim of G. W. Ryckman, for supplies furnished the state prison during the months of November and ^{Claim} December, one thousand eight hundred and fifty-five, the sum of sixteen thousand six hundred and sixty-four dollars, is hereby audited and allowed.

CHAP. CCLVI.—*An Act to change the Name of Newman Bleistein to Bleistein Newman.*

[Became a Law by operation of the Constitution, April 21, 1858.]

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

SECTION 1. The name of Newman Bleistein is hereby changed ^{Name} to that of Bleistein Newman.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-first day of April, A. D. one thousand eight hundred and fifty-eight.

FERRIS FORMAN, Secretary of State.]

CHAP. CCLVII.—*An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer.*

[Approved April 21, 1858.]

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

Board of examiners.

SECTION 1. The persons who fill and discharge the duties of the office of Governor of this state, Secretary of State, and Attorney General, are hereby appointed and constituted a board of examiners, with the power and duties hereinafter specified.

Duties in relation to treasury.

SEC. 2. It shall be the duty of said board, as often as it may be deemed proper, to examine the books of the Controller and the Treasurer, the accounts and vouchers in their office, and to count the money in the treasury; and for the purpose of discharging the duties imposed on it by this act, the said board is authorized to demand, and the Controller and Treasurer are hereby required to furnish the said board, without delay, such information as it may demand, touching the books, papers, vouchers, or matters pertaining to, or cognizable in their offices, respectively; *Provided*, that the counting of the moneys in the treasury shall take place at least once a month, without the said board giving the Treasurer any previous notice of the hour or day of the said counting; *And provided, further*, that said board may, at any counting, place any sum in bags or boxes, and weigh each bag or box separately, and mark the same, with the weight thereon plainly specified, and place thereon a seal, to be kept by them; and shall, at subsequent countings, re-weigh each bag or box separately; and if the weight shall correspond with the weight marked thereon, may estimate said sums as a part of the money counted by them, without making an actual count thereof.

Affidavit.

SEC. 3. Said board shall, at least once in each month, file an affidavit in the office of the Secretary of State, showing the actual amount of money in the treasury at their last counting prior thereto, and shall cause a copy of said affidavit to be published in one daily newspaper published at the capital.

In relation to counting moneys.

SEC. 4. It shall be the duty of the Controller and Treasurer to permit the said board of examiners to examine the books and papers in their respective offices; and of the Treasurer, to permit the moneys in the treasury to be counted whenever the said board may wish to make said examination or counting, without delaying said examination or counting, on any pretence whatever.

Warrants for salaries.

SEC. 5. The Controller shall be authorized to draw his warrants on the Treasurer for the salaries of officers, when appropriations are or shall have been made therefor by law; but, in all other cases, previous to drawing his warrants, in liquidation of

any claim or demand whatever, the said claim or demand must have endorsed thereon the previous approval of the board of examiners; and whenever, hereafter, the Controller shall, by law, be directed to draw his warrant upon the Treasurer of State for any purpose whatever, said direction shall be construed to be subject to the provisions of this act, unless said direction be accompanied by a special provision exempting it from the operations of this act.

SEC. 6. Whenever the board shall have reason to believe, or shall be informed that the Controller, with or without its approval, has drawn, or is about to draw, his warrant, without authority of law, or for a larger amount than the state actually owes, it shall be the duty of said board to notify the Treasurer of State not to pay said warrant so drawn and registered, or to be drawn, and thereupon the Treasurer shall be and hereby is prohibited from paying said warrant, whether already drawn, or when thereafter drawn, until he shall be otherwise directed by the Legislature.

Incorrect
warrant
rejected.

SEC. 7. Any violation of the foregoing provisions of this act, by the board of examiners, Controller, or Treasurer, shall be deemed a felony; and, upon conviction thereof in a court of competent jurisdiction, the party convicted shall be sentenced to imprisonment in the state prison for a term not exceeding three years, and to a fine of not less than five hundred dollars, nor more than twenty thousand dollars; and whenever any indictment shall be found, under this act, against either of said officers, every such officer shall be temporarily suspended from his said office until such indictment is tried and such officer acquitted; and said office may be temporarily filled by appointment by the Governor; *Provided*, that in case of indictment of the Governor, and his suspension from office, as one of the members of said board, as provided in this act, the powers and duties of his office shall, for the time being, devolve upon the Lieutenant Governor; and any final conviction obtained under this act shall, *ipso facto*, vacate the office held by the party so convicted, which shall be filled in the manner provided for by law.

Penalty for
violation.

In case of
indictment.

SEC. 8. It shall be the duty of said board of examiners to examine, and either approve or disapprove, all claims against the state which may be presented to them.

Examine
claims.

SEC. 9. Any person or persons who may have or claim any demand whatever against the state, may present the same to the board of examiners, in the form of an account or petition, (according to the nature thereof,) and may, at such time, and in such manner as said board shall prescribe by their rules, present his evidence to sustain said demand, and it shall be the duty of said board to endorse said demand, as required in section ten of this act.

Endorse
demands.

SEC. 10. If said board approve the demand mentioned in section nine, and an appropriation to meet the same shall have been made by law, then they shall endorse thereon, over their signatures, "approved for the sum of — dollars," and transmit the same to the office of the Controller of State; or, if no appropriation shall have been made by law for the payment of said demand, then said board shall transmit the same to the Legislature of this state, stating their approval of the same, and the reasons

Approval.

therefor; but if said board, or a majority thereof, disapprove said demand, they shall cause the same to be filed among the archives of said board, with a statement showing such disapproval, and the reasons therefor.

Appeal.

SEC. 11. Any person or persons, interested, who may feel aggrieved by the disapproval of a demand by said board, may appeal from its decision to the Legislature of the state; such appeal shall be taken by filing with said board a notice thereof, and upon the receipt of such notice, said board shall transmit said demand, and all the papers accompanying the same, with a statement of the evidence taken before it, to the Legislature. No demand, or claim of any nature whatsoever, shall be entertained by the Legislature, unless recommended by the board of examiners, or upon appeal from the action of such board.

Chairman to
issue process

SEC. 12. The Governor of the state (and the Secretary of State, in his absence,) shall act as chairman of the board of examiners, and said chairman have power to issue subpoenas and compel the attendance of witnesses before said board, in the same manner that any court in this state can compel the attendance of witnesses before it; and whenever, in the opinion of said board, the testimony of any witness against a demand pending before them is material, it shall be the duty of said chairman to cause the attendance of said witness before said board, to testify concerning said demand; and said board are hereby authorized to make such witness a reasonable allowance for such attendance, not exceeding the fees of witnesses in civil cases, which shall be paid from the contingent fund allowed said board; but in no instance shall an allowance be made in favor of a witness who testified in behalf of the claimant.

Rules.

SEC. 13. That the said board shall have authority to establish rules and regulations for its government; and each member thereof is hereby authorized to administer an oath or affirmation to any person or persons concerning any matter before said board, or intended to be brought before it; and each member of said board is hereby authorized to take the deposition or depositions of any witness or witnesses, to be used before said board in any matter pending before it.

Penalty for
perjury.

SEC. 14. That if any person shall knowingly and willfully swear falsely before said board, or any member thereof, in a matter pending before said board at the time of taking said oath, or in a matter to be submitted to said board, such person shall be deemed guilty of perjury, and on conviction thereof, shall be subjected to the same pains, penalties, and disabilities, which now are or shall be hereafter by law prescribed for willful and corrupt perjury.

Semi-
monthly
sessions.

SEC. 15. The said board shall hold sessions for the transaction of business, at least twice in each month, and shall cause a record of their proceedings to be kept; and any member thereof may cause his dissent to the action of the majority upon a matter brought before it, to be entered upon said record.

Demands
renewed.

SEC. 16. The said board shall not hear or entertain the second time a demand against the state which it has once rejected or which has been rejected by the Legislature, unless such reasons shall be presented to said board as by the rules of common law

or chancery, in suits between individuals, would furnish sufficient ground for granting a new trial.

SEC. 17. That a majority of said board shall constitute a Quorum. quorum, and may, as such, discharge any of the duties specified in this act. Said board may appoint a clerk, whose duty it shall be to keep a true and correct record of all the proceedings had before said board.

SEC. 18. That for the services herein specified, the person Salaries. acting as Governor, or filling that office, shall receive a salary of one thousand dollars per annum; the person filling the office of Secretary of State, a salary of one thousand dollars per annum; and the person filling the office of Attorney General, a salary of fifteen hundred dollars per annum. The clerk of said board shall receive for his services the sum of twelve hundred dollars per annum.

SEC. 19. That the sum of four thousand seven hundred dol- Appropriat'n lars is hereby appropriated, out of any money in the treasury not otherwise specifically appropriated by law, to the payment of the salaries and hire of clerk specified in this act; and five hundred dollars to defray the contingent expenses of said board.

SEC. 20. That the act entitled "an act for the better protection Act repealed. of the state treasury," approved April sixteenth, eighteen hundred and fifty-six, and the act entitled "an act amendatory of and supplementary to an act entitled an act for the better protection of the state treasury," approved April sixteenth, one thousand eight hundred and fifty-six—approved April twenty-seventh, one thousand eight hundred and fifty-seven, are hereby repealed; but such repeal shall not affect any proceedings had or commenced by virtue of said acts, nor shall it affect any rights which have accrued, nor any liability which has occurred by reason of the provisions of said acts, or either of them.

CHAP. CCLVIII.—*An Act to authorize the Board of Supervisors of Shasta County to levy a Special Tax, and create a Redemption Fund for the payment of County Indebtedness.*

[Approved April 21, 1858.]

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

SECTION 1. The board of supervisors for the county of Shasta, Special tax. shall have power, and it is hereby made their duty, to levy a special tax, annually, in addition to other taxes provided for by law, upon the taxable property in the said county, of not more than one-half of one per cent., and said tax shall be collected at the same time and in like manner as other taxes are collected in said county.

SEC. 2. The tax provided for in the first section of this act, Redemption fund. together with all moneys received into the county treasury for county purposes from the sale of foreign miners' licenses, shall be set aside and kept as a special fund, to be called a "Redemption Fund," and shall be held and disbursed as is hereinafter provided.

SEC. 3. It shall be the duty of the county treasurer to give Warrants. thirty days' notice, by publication in some newspaper published

at the county seat, that sealed proposals directed to him for the surrender of county warrants, will be received by him up to the last day of the session of each regular meeting of the board of supervisors.

Proposals.

SEC. 4. On the last day of each regular meeting of the board of supervisors, they, together with the county auditor and treasurer, shall attend at the office of the latter, and then and there open all proposals, and accept the lowest bids for the surrender of county warrants; *Provided*, that no bid for more than the par value of said warrants, or any bid, unless accompanied by the warrants proposed to be surrendered, shall be accepted.

Accepted bids.

SEC. 5. When any bids are accepted, the county auditor and county treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices, and thereupon the board of supervisors shall make an order directing the county treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the "redemption fund," and the warrants so redeemed shall be canceled as other redeemed county warrants, except that the county treasurer shall write on the face of said warrants "purchased," and the amount paid for the same, and shall sign his name thereto. The order of the board of supervisors directing the county treasurer to purchase said warrants, together with the record made by the county auditor, shall be sufficient vouchers for the county treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amount of warrants being equal, each shall be accepted *pro rata*, or as nearly so as possible. The county treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

Vouchers.

Separate account.

SEC. 6. The county treasurer shall keep a separate account, under the head of "Redemption Fund," of all moneys received from the sources specified in the first and second sections of this act, and the said moneys shall never be used or mixed with other funds.

To go to redemption fund.

SEC. 7. It is hereby made the duty of the board of supervisors of said county, to order to be paid into the fund created by this act, (to be held and disbursed as therein provided,) all moneys which shall be received into the treasury for the year A. D. one thousand eight hundred and fifty-eight, in accordance with the levy of the tax made by the board of supervisors in said year, by authority of an act entitled an act to provide for the payment of the indebtedness of the county of Shasta, contracted prior to the third day of May, A. D. one thousand eight hundred and fifty-seven, approved March thirty-first, one thousand eight hundred and fifty-seven.

Act repealed.

SEC. 8. An act to provide for the payment of the indebtedness of the county of Shasta contracted prior to the first day of May, A. D. one thousand eight hundred and fifty-seven, approved March thirty-first, one thousand eight hundred and fifty-seven, so far as the same, or any provisions thereof, are in conflict with the provisions of this act, and all other acts and parts of acts, conflicting with the provisions of this act, are hereby repealed.

CHAP. CCLIX.—*An Act to audit the Claim of Jonathan Nickols.*

[Approved April 21, 1858.]

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

SECTION 1. The claim of Jonathan Nickols, for rent of rooms for state library, from April first, one thousand eight hundred and fifty-six, to the first day of January, one thousand eight hundred and fifty-seven, the sum of thirteen hundred and fifty fifty dollars, is hereby audited and allowed. Claim allowed.

CHAP. CCLX.—*An Act to audit and allow Certain Claims.*

[Approved April 21, 1858.]

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

SECTION 1. The claim of Wells, Fargo, and Company, for expressing matter for Controller and Governor's office, in one thousand eight hundred and fifty-six, the sum of two hundred and fifty-one dollars and fifty-seven cents, is hereby audited and allowed. Wells, Fargo & Co. And the claim of A. H. Brodie, for transporting convicts to state prison from Alameda county, in one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of three hundred and sixty-two dollars and fifty cents, is hereby audited and allowed. Brodie. And the claim of Ferris Forman, for postage furnished Senate in one thousand eight hundred and fifty-five, the sum of seventy-seven dollars and eight cents, is hereby audited and allowed. Forman. And the claim of Wells, Fargo, and Company, for distributing Laws and Journals in one thousand eight hundred and fifty-six, the sum of five hundred dollars, is hereby audited and allowed. Wells, Fargo & Co. And the claim of Samuel C. Gray, for articles furnished State Treasurer and Quartermaster General's office, in one thousand eight hundred and fifty-three, and one thousand eight hundred and fifty-four, the sum of eighty-four dollars, is hereby audited and allowed. Gray.

CHAP. CCLXI.—*An Act amendatory of and supplementary to an Act entitled an Act to Regulate Proceedings in Criminal Cases, passed May first, one thousand eight hundred and fifty-one.*

[Approved April 22, 1858.]

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

SECTION 1. Section four hundred and eighty-one of the act entitled "an act to regulate proceedings in criminal cases," Appeals in criminal cases.

STATUTES OF CALIFORNIA

passed May first, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows :

Appeals in
criminal
cases.

Section four hundred and eighty-one—The party aggrieved in a criminal action, whether that party be the people or the defendant, may appeal as follows : *First*, To the county court, from a final judgment of a justice's, recorder's or mayor's court, or of the police judge's court, in the city and county of San Francisco. *Second*, To the Supreme Court, from a final judgment of the district court or court of sessions, in all criminal cases amounting to felony. Also, from an order of the district court or court of sessions, granting or refusing a new trial, or which affects a substantive right in a criminal case amounting to felony.

Sec. 2. Section four hundred and eighty-two of the said act is hereby amended so as to read as follows :

Supreme and
county
courts.

Section four hundred and eighty-two—The appeal to the Supreme Court can be taken on questions of law alone. The appeal to the county court can be taken on both questions of law and fact.

Hearing.

Sec. 3. The appeal to the county court from the judgment of a justice's, recorder's, mayor's, or police judge's court, shall be heard upon a statement of the case settled by the justice, police judge, recorder, or mayor, embodying the evidence, and such rulings of the court as are excepted to.

Disposition.

Sec. 4. Upon the appeal to the county court, if a new trial be granted, such new trial shall be had in the county court. If the judgment be affirmed, a copy of the judgment of affirmance shall be sent to the court below, upon the receipt of which the court below shall proceed to enforce its sentence.

Transferred.

Sec. 5. All appeals from a justice's, mayor's, recorder's, or police judge's court, remaining undetermined, and now pending in any court of sessions, shall be transferred to the county court of the proper county, and be heard and determined by said county court, in like manner as if the appeal were originally taken to the county court, under the provisions of this act.

County
excepted.

Sec. 6. Nothing in this act contained shall apply to the police judge's court in the city of San Francisco, save the provisions of section one of this act.

CHAP. CCLXII.—*An Act for the incorporation of Water Companies.*

[Approved April 22, 1858.]

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

Application
of acts.

SECTION 1. The provisions of an act entitled an act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and the provisions of an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and passed on the thirtieth (30th) day of April, one thousand eight hundred and fifty-five, shall extend to and apply to all corporations already formed, or hereafter to be

formed, under said acts, for the purpose of supplying any city and county, or any cities or towns in this state, or the inhabitants thereof, with pure fresh water.

SEC. 2. Any company incorporated for the purposes specified in the preceding section, shall have the right to purchase, or to appropriate and take possession of, and use and hold, all such lands and waters as may be required for the purposes of the company, upon making compensation therefor. The mode of proceeding to appropriate and take possession of such lands and waters, when the parties cannot agree upon a purchase thereof, shall be the same as prescribed in sections twenty-seven, twenty-eight, and twenty-nine, of an act to provide for the incorporating of railroad companies, passed April twenty-second, one thousand eight hundred and fifty-three, except that such proceedings shall be had before the county judge of the county in which such lands or waters, or both, may be situated; *Provided*, that all reservoirs, canals, ditches, pipes, aqueducts, and all conduits heretofore built, or that hereafter may be constructed by any corporation formed under this act, or claiming the privileges, rights, and immunities herein granted, or any of them, shall be used exclusively for the purpose of supplying any city and county, or any cities or towns, in this state, or the inhabitants thereof, with pure fresh water.

Purchase of lands.

Buildings, etc.

SEC. 3. All privileges, immunities, and franchises, that may hereafter be granted to any individual or individuals, or to any corporation or corporations, relating to the introduction of fresh water into the city and county of San Francisco, or into any city or town in this state, for the use of the inhabitants thereof, are hereby granted to all companies incorporated, or that may hereafter become incorporated, for the purposes aforesaid.

Privileges.

SEC. 4. All corporations formed under the provisions of this act, or claiming any of the privileges of the same, shall furnish pure fresh water to the inhabitants of such city and county, or city or town, for family uses, so long as the supply permits, at reasonable rates and without distinction of persons, upon proper demand therefor, and shall furnish water, to the extent of their means, to such city and county, or city or town, in case of fire or other great necessity, free of charge. And the rates to be charged for water shall be determined by a board of commissioners, to be selected as follows: Two by such city and county, or city or town authorities, and two by the water company; and in case that four cannot agree to the valuation, then, in that case, the four shall choose a fifth person, and he shall become a member of said board; if the four commissioners cannot agree upon a fifth, then the sheriff of the county shall appoint such fifth person. The decision of a majority of said board shall determine the rates to be charged for water for one year, and until new rates shall be established. The board of supervisors, or the proper city or town authorities, may prescribe such other proper rules relating to the delivery of water, not inconsistent with this act and the laws and constitution of this state.

Duties.

Rates by commissioners.

SEC. 5. Any corporation created under the provisions of this act, shall have the right, subject to the reasonable direction of the board of supervisors or city or town authorities, as to the mode and manner of exercising such right, to use so much of the

Rights.

AN ANNOTATED
 COMPILATION OF THE
 STATUTES OF CALIFORNIA,
 TO THE END OF THE
 SEVENTH SESSION OF THE
 LEGISLATURE, 1858.

streets, ways, and alleys, in any town, city, or city and county, or any public road therein, as may be necessary for laying pipes for conducting water into any such town, city, or city and county, or through or into any part or parts thereof.

Reincorporation.

SEC. 6. Any corporation heretofore formed for the purposes specified in this act, shall have the right to reincorporate under the provisions of this act, without losing, forfeiting, or diminishing any of the rights, privileges, franchises, or immunities, which they have heretofore lawfully acquired.

CHAP. CCLXIII.—*An Act amendatory of and supplementary to an Act entitled "An Act to incorporate the Town of Oroville," approved March fourteenth, one thousand eight hundred and fifty-seven.*

[Approved April 22, 1858.]

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

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

Boundaries.

Section two—The corporate limits of the said town of Oroville shall be as follows: Commencing on the south-east side of Feather River, in the county of Butte, at a point known as Lathrop's Ferry, and running thence south twenty degrees east one hundred and sixty rods; thence west twenty degrees south to the Fourth Avenue, as laid down on the map of the Carleton estate, now on file in the recorder's office of said county; thence along the westerly line of said avenue, in a northerly direction, to Feather River; thence up said river, in an easterly direction, to the place of beginning; the area within said limits not to exceed one square mile.

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

Trustees' power.

Section eight—The board of trustees shall have power to make such by-laws or ordinances not inconsistent with the constitution and laws of the United States, and of this state, as they may deem necessary to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows, lawful games, hawkers, and peddlers, and bars at which spirituous liquors are sold, construct pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water, to keep in repair public wells, to lay out, alter, keep open, and repair the streets and alleys of the town, and to establish grades of the same; to levy and collect, annually, a tax on all property in the town, not exceeding one and one-half per centum on the assessment valuation thereof, of which tax one-fifth of the net proceeds, together with all fines collected for the violation of any fire ordinance, together with the annual surplus revenue of said town, shall be set apart as an inviolate fund for a fire department in said town, which fund shall be denominated the "engine fund;" also, to levy and collect a poll-tax, of not exceeding one dollar per annum, on every male inhabitant of twenty-one years of age and upwards; to impose and collect a tax

on dogs, not exceeding six dollars per annum, on every dog found running at large within the incorporated limits of the town; to provide for the impounding of swine or cattle; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary, and to provide such means as they may deem necessary to protect the town from injuries by fire; and to this end, they are authorized and empowered to organize and to establish a fire department in said town.

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

Section ten—There shall be chosen in the town of Oroville, at each annual election, a treasurer, assessor, and a marshal, who shall be collector of all taxes levied by the board of trustees, who shall perform the duties of captain of police, and such other and further duties as the board of trustees may prescribe, and for malfeasance or misfeasance in office, may, at any time, be removed, by four of said trustees voting for such removal. The board of trustees shall have power to establish such other offices as they may deem necessary, to be filled in such manner as they may designate; they shall prescribe the duties and fix the compensation of all town officers, and shall fill, by appointment, all offices becoming vacant by resignation or otherwise, until the next annual election.

Sec. 4. Section thirteen of said act is hereby amended so as to read as follows: If any person fail to pay any tax levied upon his real or personal property, the marshal may recover the same by suit, in the name of the inhabitants of the town, before any court of competent jurisdiction, together with all costs of suit.

CHAP. CCLXIV.—*An Act to empower the Board of Supervisors and Auditor of the City and County of San Francisco to allow and audit Certain Claims therein mentioned.*

[Approved April 22, 1858.]

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

SECTION 1. The board of supervisors of the city and county of San Francisco are hereby empowered to authorize and allow, and the auditor of said city and county to audit and allow, the amount of any judgment already rendered, or which may hereafter be rendered, against Lewis Teal, late tax collector in and for the city of San Francisco, for taxes illegally collected by him; *Provided*, said taxes have been heretofore paid over by said Lewis Teal to said city of San Francisco, or to the treasurer thereof. The said board of supervisors are hereby further empowered to authorize and allow, and the said auditor to audit and allow, to the counsel of said Lewis Teal, a just and proper counsel fee for their services in defending against the rendition of aforesaid judgments, not to exceed seven hundred and fifty dollars.

SEC. 2. Said claims, when allowed and audited as authorized

Claim
funded.

in the preceding section, may be funded under the act entitled "an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six," passed April, one thousand eight hundred and fifty-eight.

CHAP. CCLXV.—*An Act to audit Certain Claims.*

[Approved April 22, 1858.]

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

- SECTION 1. The claim of James Anthony & Co., for Controller's warrant number four hundred and twenty-six, issued December sixteenth, one thousand eight hundred and fifty-six, the sum of two hundred and forty-five dollars and twenty-five cents, is hereby audited and allowed. And the claim of H. C. Patrick & Co., for Controller's warrant number one thousand and ninety-eight, issued December twelfth, one thousand eight hundred and fifty-six, the sum of one hundred and twenty-five dollars, is hereby audited and allowed. And the claim of James Allen, for advertising proclamations and furnishing papers in one thousand eight hundred and fifty-six, the sum of two hundred and fifty-seven dollars and eighty-seven cents, is hereby audited and allowed. And the claim of John Nugent, for advertising proclamations in one thousand eight hundred and fifty-six, the sum of two hundred and seventy-two dollars and seventy-five cents, is hereby audited and allowed. And the claim of W. B. Ewer, for papers furnished Senate and Assembly, one thousand eight hundred and fifty-five, the sum of sixty-eight dollars and fifty cents, is hereby audited and allowed.

CHAP. CCLXVI.—*An Act for the relief of John C. Gordon.*

[Approved April 22, 1858.]

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

- SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of paying Jno. C. Gordon for services rendered as superintendent of the state prison the months of June, July, August, September, and October, one thousand eight hundred and fifty-seven.

CHAP. CCLXVII.—*An Act to audit the Claim of John Dall.*

[Approved April 22, 1858.]

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

SECTION 1. The claim of John Dall, for wood furnished the state prison in the year one thousand eight hundred and fifty-five, the sum of seven hundred and twenty-seven dollars and fifty cents, is hereby audited and allowed. ^{Claim allowed.}

CHAP. CCLXVIII.—*An Act to audit the Claim of Samuel Warren.*

[Approved April 22, 1858.]

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

SECTION 1. The claim of Samuel Warren, for wood furnished the state prison in the months of June, July, August, September, October, November, and December, one thousand eight hundred and fifty-five, the sum of four thousand three hundred and seventy-two dollars and fifty cents, is hereby audited and allowed. ^{Claim allowed.}

CHAP. CCLXIX.—*An Act to audit Certain Claims.*

[Approved April 22, 1858.]

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

SECTION 1. The claim of Jesse Hackett, for services as porter in Surveyor General's office in the year one thousand eight hundred and fifty-six, for the sum of one hundred and twenty-two dollars, is hereby audited and allowed. ^{Hackett,}

And the claim of D. J. Snyder, for superintending hot-air furnace in the year one thousand eight hundred and fifty-six, for the sum of one hundred and fifty-two dollars, is hereby audited and allowed. ^{Snyder,}

And the claim of James Penny, for services as porter to the Supreme Court for the month of December, one thousand eight hundred and fifty-six, for the sum of ninety-six dollars, is hereby audited and allowed. ^{Penny,}

And the claim of George H. Mixer, for hauling library and furniture of state to Supreme Court rooms, and putting up same, in one thousand eight hundred and fifty-six, for the sum of two hundred and fifty dollars, is hereby audited and allowed. ^{Mixer,}

And the claim of Jesse M. Shephard, for papers furnished Senate for the year one thousand eight hundred and fifty-five, the sum of two hundred and seventy dollars, is hereby audited and allowed. ^{Shephard,}

And the claim of William Underwood, for furnishing state- ^{Underwood,}

house with water for the months of March, April, and May, one thousand eight hundred and fifty-five, for the sum of ninety-three dollars and seventy-five cents, is hereby audited and allowed.

Gardiner, And the claim of Peter Gardiner, for furnishing wood to the state prison in the month of February, one thousand eight hundred and fifty-six, the sum of one hundred and sixty-two dollars, is hereby audited and allowed.

White, And the claim of William S. White, as bailiff to the Supreme Court in the months of January and December, one thousand eight hundred and fifty-six, the sum of one hundred and twenty-five dollars, is hereby audited and allowed.

Anthony, And the claim of James Anthony & Co., for furnishing papers to Assembly in the month of May, one thousand eight hundred and fifty-four, and for advertising proclamations of the Governor in the months of October and November, one thousand eight hundred and fifty-six, the sum of seventy-seven dollars, is hereby audited and allowed.

Firderer & Caduc, And the claim of Firderer & Caduc, for furnishing coal to Surveyor General's office in the month of December, one thousand eight hundred and fifty-six, the sum of eleven dollars and eighty-eight cents, is hereby audited and allowed.

Snowden, And the claim of R. N. Snowden, for transporting prisoner from state prison to Supreme Court, in October, one thousand eight hundred and fifty-five, for the sum of one hundred and fifty-five dollars, is hereby audited and allowed.

Blake, And the claim of George N. Blake, for articles furnished the Assembly, in 1854, the sum of one hundred and eight dollars, is hereby audited and allowed.

Gulick, And the claim of John C. Gulick, for lights, fuel, etc., furnished to the Legislature from April fifteenth to May fourth, one thousand eight hundred and fifty-four, the sum of six hundred and eight dollars and thirty-five cents, is hereby audited and allowed.

And the claim of John C. Gulick, for lights, fuel, etc., furnished the Legislature from fourth May to fifteenth May, one thousand eight hundred and fifty-four, for the sum of one hundred and fifty-two dollars and ten cents, is hereby audited and allowed.

Woods, And the claim of M. Woods, for services as porter of the Senate, from the seventh May to the fifteenth May, one thousand eight hundred and fifty-four, for the sum of seventy-two dollars, is hereby audited and allowed.

Rivett & Co., And the claim of Rivett & Co., for matting, etc., furnished the Senate, April thirteenth, one thousand eight hundred and fifty-five, the sum of one hundred and seventy-five dollars and ninety cents, is hereby audited and allowed.

Lewis, And the claim of William Z. Lewis, for making survey and giving levels of state prison grounds, in January, one thousand eight hundred and fifty-six, for the sum of three hundred dollars, is hereby audited and allowed.

CHAP. CCLXX.—*An Act to amend an Act entitled "An Act for securing Liens to Mechanics and others," passed April nineteenth, one thousand eight hundred and fifty-six.*

[Approved April 22, 1858.]

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

SECTION 1. Section two of an act entitled "an act for securing liens to mechanics and others," passed April nineteenth, one thousand eight hundred and fifty-six, is hereby amended so as to read as follows :

Section two—Every person wishing to avail himself of the benefits of this act, shall file, in the recorder's office of the county in which such building, wharf, or superstructure, is situated, within sixty days after the completion of such building, wharf, or superstructure, a just and true account of the demands due him, after deducting all proper credits and offsets, and shall verify said account by his own oath, or the oath of some other person, and shall also file, at the same time, a correct description of the property to be charged with said lien. If such lien is claimed by a sub-contractor, journeyman, or any other person, except the contractor performing labor, or furnishing materials, the account aforesaid shall be filed within thirty days after the work was done, or the materials were furnished by him ; and within five days after the filing of said account as aforesaid, he shall serve a copy thereof on the owner of such building, wharf, or superstructure, or the agent of such owner, if the latter reside out of the county in which such building, wharf, or superstructure, is situated, by delivering the same to him personally, or by leaving it at his usual place of residence, with a person of suitable age and discretion, or by depositing it in the post-office, directed to him at his usual place of residence. If such owner do not reside within the county, and have no agent therein, service of the copy aforesaid may be made by posting the same in a conspicuous place on the building, wharf, or superstructure, to be charged with such lien.

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

Section three—Every sub-contractor, journeyman, laborer, or other person, performing labor, or furnishing materials, shall, under the provisions of this act, have a valid lien upon the building, wharf, or superstructure, on which such labor was performed, or for which such materials were furnished, regardless of the claims of the contractor against the owner of such building, wharf, or superstructure ; but if any money be due, or is to become due, under the contract from said owner to said contractor, on being served with a notice, by a sub-contractor, as provided, in the last preceding section, said owner may withhold, out of the first money due, or to become due, under the contract, a sufficient sum to cover the lien claimed by such sub-contractor, journeyman, laborer, or other person performing labor or furnishing materials, until the validity thereof shall have been

established by a proper legal proceeding, if the same be contested; and if so established, the amount thereof shall be a valid offset to that extent, in favor of the owner, against the contractor. No attachment served on the funds in the hands of the owner of such building, wharf, or superstructure, for claims other than those expressed in this act, shall lie against the liens created by this act, nor shall such owner be held or legally bound to answer such attachment, until all claims under the contract, or liens created by this act, shall first be satisfied.

Attachment.

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

Land subject to lien.

Section four—The land upon which any building, wharf, or superstructure, shall be erected, together with a convenient space around the same, or so much as may be necessary for the convenient use and occupation of the premises, shall also be subject to the liens created by this act, if, at the time the labor was commenced or the first of the materials were furnished, the land belonged to the person who caused the said building, wharf, or superstructure, to be erected; but if such person owned less than a fee-simple estate in said land, then only his interest therein shall be subject to such lien, and the liens created by this act shall be preferred to every other lien or incumbrance which shall have attached upon the said property, subsequent to the time at which the work was commenced or the first of the materials were furnished; and, also, to all mortgages and other incumbrances unrecorded at the time such work was commenced or the first of such materials were furnished. But nothing herein contained shall be construed as impairing any valid incumbrance upon the said land duly made and recorded before such work was commenced or the first of such materials were furnished.

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

Liens enforced.

Section seven—Said liens may be enforced by suit in any court of competent jurisdiction, on setting forth in the complaint the particulars of such demand, with a description of the premises sought to be charged with said lien; and at the time of filing the complaint and issuing summons, the plaintiff shall cause a notice to be published at least twenty days in some newspaper published in the county, if there be one, and if not, then in such mode as the court shall direct, notifying all persons holding or claiming liens under the provisions of this act, on said premises, to be and appear in said court on a day specified therein, and during the regular term of such court, and to exhibit then and there the proof of said liens. On the appointed [day] the court shall proceed to hear and determine the said claims, in a summary way, or may refer the same to a referee to ascertain and report upon said liens, and the amount justly due thereon; and all liens not so exhibited and proved, shall be deemed to be waived in favor of those which are so exhibited. On ascertaining the whole amount of said liens with which the said premises are justly chargeable, as hereinbefore provided, the court shall cause said premises to be sold in satisfaction of said liens and costs of suit; and if the proceeds of such sale shall not be sufficient to satisfy the whole of such liens established as aforesaid, then the same

Claims tried.

shall be apportioned according to the rights of the several parties.

CHAP. CCLXXI.—*An Act to audit Certain Claims.*

[Approved April 22, 1858.]

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

SECTION 1. The claim of the Volcano Ledger, for publishing proclamation in one thousand eight hundred and fifty-six, the sum of twenty-eight dollars and fifty cents, is hereby audited and allowed. And the claim of Skillman & Dosh, for advertising, the year one thousand eight hundred and fifty-six, the sum of thirty-five dollars and fifty cents, is hereby audited and allowed. And the claim of the Nevada Journal, for furnishing papers to Senate in one thousand eight hundred and fifty-six, the sum of twenty-six dollars, is hereby audited and allowed. And the claim of the Monterey Sentinel, for furnishing papers to Assembly, in one thousand eight hundred and fifty-six, the sum of fifteen dollars is hereby audited and allowed. And the claim of Nevitt and Company, for articles furnished state library and Secretary of State's office, in one thousand eight hundred and fifty-five, the sum of forty-five dollars, is hereby audited and allowed. And the claim of Oscar O. Ball, for publishing proclamations and notices in the Marysville Inquirer, in the year one thousand eight hundred and fifty-six, the sum of one hundred and ninety-one dollars and sixty-three cents, is hereby audited and allowed. And the claim of Thomas Boyce, for publishing amendments to constitution, and Governor's proclamation, in Los Angeles Star and Monterey Sentinel, in the year one thousand eight hundred and fifty-six, the sum of three hundred and thirty-three dollars, is hereby audited and allowed.

Volcano
Ledger.

Skillman Co.

Nevada
Journal.

Monterey
Sentinel.

Nevitt & Co.

Oscar Ball.

T. Boyce.

CHAP. CCLXXII.—*An Act concerning Roads and Highways in certain Counties therein named.*

[Approved April 22, 1858.]

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

SECTION 1. All roads and highways, used and traveled as such, and all private roads, used as such for one year before the passage of this act, leading from the residence of any person to a public highway, are declared public highways and private roads; the first named, to the width laid out, and the last named, to the width of thirty feet. The streets of any town or village, not incorporated, are declared public highways, to the width laid out. All public roads, hereafter to be laid out, shall be laid out to the width of sixty feet; and private roads to the width of thirty feet.

Traveled
roads decl'd
highways.

SEC. 2. The board of supervisors shall divide the county into

- Road overseers.** a convenient number of road districts, and appoint a road overseer for each district, to hold office for one year, and may remove such overseer, for failing to discharge his duties, and shall fill vacancies. The county clerk shall issue a notice to any person appointed overseer, which shall be served by the sheriff, on the party, within ten days. The notice shall describe the number and boundaries of the district.
- Road duty.** SEC. 3. Each overseer shall, within ten days, ascertain the names of all able-bodied males between the ages of twenty-one and fifty years, in his district, who are hereby made liable to perform road duty, unless exempt by law therefrom, and make a list of the same, and return the list to the county clerk, before the next session of the board of supervisors. The board shall allot for the year, to each road district, having due regard to the probable amount of labor to be performed, and the proximity of the residence of persons to be allotted, the necessary number of persons to each district. Such allotment, when made, shall remain in full force, until altered by the board of supervisors.
- Repair of roads.** SEC. 4. The overseers shall cause the roads and bridges, in their respective districts, to be kept free from obstructions, and in good repair, and for that purpose shall have power to make use of any materials suitable and necessary for repairing bridges and roads, which may be found on any adjacent unimproved lands, when the same cannot be found on the road. If the owner or occupier of the land object to such materials being taken, the same shall not be used until a disinterested person shall have been appointed by the board of supervisors, who shall examine into the matter, and report the facts connected therewith, and the board shall determine the matter. The overseer shall cause bridges to be constructed, when the cost shall not exceed fifty dollars, and shall place guide-boards at proper places at the junction of the roads in his district. The building of bridges and repairing thereof, when the estimated cost exceeds fifty dollars, shall be let by the overseer, under the direction of the board of supervisors, by contract, to the lowest bidder, after twenty days notice.
- Limitations.**
- Commutat'n.** SEC. 5. Road hands shall be required to work the roads in their districts two days in each year, if required so to do by the overseer, or may commute by paying to the overseer two dollars for each day notified to work the road. A person furnishing a team to work the road shall be allowed a just credit for such service, in lieu of personal labor. Upon the application of the overseer to the board of supervisors, they may increase the amount of labor to be performed in any road district to four days. Before proceeding to work the road, the overseer shall
- Notification.** notify the road hands, verbally, or in writing, three days before the day fixed for working the road. He shall state the kind of work to be done, and shall require the parties to bring the tools or implements to be used in working the road. If on the day appointed to work the road, parties having been notified by the overseer, or by some person for him, shall fail to appear at a reasonable hour in the morning, or appearing and failing, or refusing to work in a diligent manner, such person shall forfeit and pay the sum of three dollars for every day so failing or refusing to work; such sum shall be recovered by action, before a justice
- Neglect.**

of the peace, in the name of the overseer. And in suits to recover such amount, the overseer shall be a competent witness. A reasonable excuse may exempt any road hand from the liability to pay for failing to appear, or work when appearing; but such party shall be required to work the full time herein prescribed. The overseer shall keep a correct account of all moneys by him collected and expended, and shall return a written statement thereof to the board of supervisors, under oath, at the end of the year. Any person appointed overseer, failing to perform the duties herein prescribed, in a proper manner, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars. Overseers shall receive such reasonable compensation, for the time actually employed, as the board shall determine, not to exceed four dollars per day, to be paid out of the county road fund.

SEC. 6. Applications for laying out, altering, or changing public or private roads, shall be made to the board of supervisors, by petition in writing, setting forth the starting-point, the route and terminus thereof, if a new road, and if an alteration or change of an established road, then such change or alteration proposed shall be set forth. Due notice of the presentation of a petition shall be given, by posting a notice at the court-house door of the county, and at a public place near the proposed road, ten days before presenting the petition; also, by giving to all parties who own or occupy the land through which the proposed road will be located, or party immediately affected by being on the line of a road proposed to be changed or altered: if the owner of the land is a non-resident, then by placing a notice in the post-office, directed to such owner (if known) ten days before the application. The notice herein prescribed shall be in writing, signed by some one of the petitioners, and a sworn copy of the notice shall be evidence thereof. If no objections are made to the petition on its presentation, the board shall appoint three disinterested persons as commissioners, to view and locate the road, who shall proceed, after having taken an oath to discharge their duties faithfully, to view and locate the road on the nearest and most practicable route, having due regard to the quality of the ground, and the intermediate points proposed in the route, and the rights of all parties interested; and to report to the board, at their next session. If objections are made to the location of the road, the commissioners shall ascertain, as near as they can, the amount of damages, and report the same to the board. Upon a report being made, the board of supervisors shall hear and determine all questions touching the location of a public or private road, and if decided against the party objecting to the location or change of a road, he or they shall pay all costs; if against the petitioner or petitioners, he or they shall pay costs. Parties aggrieved by the decision of the board of supervisors, in the location, change, or alteration of a public or private road, shall have the right to appeal to the county court, where the matter shall be heard anew and determined, and costs shall be paid by the petitioner or petitioners, or party or parties, objecting to such petition, as the case shall be determined. Upon locating new roads, the board shall district the same, and appoint

Misdemeanor

Petitions.

Viewers.

Report.

Appeal.

overseers, and allot the hands, and the same shall be opened and worked, as hereinbefore prescribed.

Obstructi'ns. SEC. 7. Any person willfully obstructing any road, by fencing across the road, or changing the same in any manner, without first having proceeded to change the road in the manner hereinbefore presented, shall be deemed guilty of a misdemeanor, and, on conviction thereof, fined in any sum not exceeding two hundred dollars, and shall pay ten dollars for every day such obstruction remains; all fines and penalties collected shall be applied by the overseer of the district, to the improvement of the road.

Road fund. SEC. 8. The board of supervisors shall cause a tax to be levied and collected, not exceeding ten cents on the one hundred dollars' worth of property, to be paid into the county treasury, and set apart as a county road fund, to be paid out under the direction of the board, for the construction and repair of roads and bridges, when the funds of the road district and the ordinary labor of the hands is not sufficient.

Streets. SEC. 9. The streets in any town or village, not incorporated, may be divided into road districts, and kept open and in repair, as ordinary roads.

Bridges. SEC. 10. Any bridge heretofore built, or any street or public road by private enterprise, may be paid for by a special tax, to be levied and collected by the overseer, on the real and personal property within the district, upon a petition being presented to the board of supervisors by a majority of the property-owners of the district, at a fair cash valuation at the time when paid for.

Inclous'd land SEC. 11. No road shall be opened through any inclosed [grounds] having any growing or unharvested crops thereon, until such crop or crops shall be harvested and removed.

Application of act. SEC. 12. The provisions of this act shall apply to and be in force in the counties of Contra Costa, Napa, Sonoma, Yolo, and San Joaquin.

Act repealed. SEC. 13. All acts and parts of acts, inconsistent with the provisions of this act, so far as they apply to the counties herein mentioned, are hereby repealed.

CHAP. CCLXXIII.—*An Act supplementary to an Act to provide for Funding the Indebtedness of the County of Yuba, approved March twenty-sixth, one thousand eight hundred and fifty-seven.*

[Approved April 22, 1858.]

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

Fund commissioners. SECTION 1. The holders of any indebtedness against the county of Yuba, due or payable on or before the first day of July, A. D. one thousand eight hundred and fifty-seven, in warrants drawn by the county auditor upon the county treasurer, payable out of the general fund or any special fund of said county, shall be entitled to the privilege of having the same funded by the funding commissioners of said county, under the provisions of the above-named act, at any time prior to the first day of July, one thousand eight hundred and fifty-eight.

SEC. 2. The said funding commissioners shall compute the amount of interest due upon all warrants which may be presented to them for funding, from their date up to the time the same shall be funded; and shall issue, to the holders of the same, bonds, in sums as provided in said act, for the principal of said warrants and all interest which may have accumulated upon the same up to the day of issue of such bonds. Bonds to issue.

SEC. 3. Said bonds shall bear the date of the day of their issuance, and shall bear interest at the rate of ten per cent. per annum, payable semi-annually, on the first day of January and July of each year, from and after their date, until the same shall be paid and liquidated; said bonds, and the interest to accrue thereon, shall be made payable at the office of the county treasurer, or in the city of New York, at the option of the person to whom the same shall be issued. Interest.
Where payable.

SEC. 4. Said bonds shall be in manner and form, and signed by the same officers, as prescribed by the said act first above-named, and the same provisions for the payment of the interest which may accrue thereon, and for the final payment of the bonds when due, shall be made by the proper authorities, as by law are prescribed, for the payment of the bonds heretofore issued under the provisions of said act. Form.

SEC. 5. The funding commissioners shall receive, in payment of all services required to be performed by this act, the same compensation as is provided by the act first above-named. Compensat'n of officers.

SEC. 6. The county treasurer shall, at all times hereafter, retain in his hands funds sufficient to pay the interest that may accrue on said bonds from January to July of each and every year, until the first day of April of each and every year, and the holder or owner of any of said bonds may, at any time between the first day of January and the first day of April, of each and every year, present to the county treasurer of said county, at his office, the coupons for the interest to become due on the first day of July then following, and the county treasurer shall pay and cancel the same, deducting therefrom three per cent. on the dollar for all coupons so paid, and the three per cent. so retained and deducted by the county treasurer, shall by him be set over to the general fund of the county, to be used for county purposes, as directed by law; *Provided*, that all coupons not presented and canceled, as herein provided, the treasurer shall provide for and pay, as provided in "an act to provide for funding the indebtedness of the county of Yuba," approved March twenty-sixth, one thousand eight hundred and fifty-seven. Money to pay interest.

CHAP. CCLXXIV.—*An Act to regulate Fees in Office in the City and County of San Francisco.*

[Approved April 22, 1858.]

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

SECTION 1. In the city and county of San Francisco, such fees are allowed to the officers herein named, for their services, Fees of office

rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully demand and receive the same, and no more.

Dist't courts. SEC. 2. The clerk of the fourth and twelfth judicial districts shall receive for all services performed by him, before trial, including judgment by default, and the entering up of the same, in any action or proceeding, six dollars. For the trial, including affidavits, and swearing jury and witnesses, and all subsequent proceedings to the trial, including the entry of judgment, to be paid by the party moving the cause, four dollars.

County court SEC. 3. The clerk of the county court shall receive, for all services performed by him, in causes appealed from justices' courts, before trial, two dollars. For the trial and subsequent proceedings, including final judgment, to be paid by the party moving the cause, three dollars.

Court of sessions. SEC. 4. The clerk of the court of sessions shall receive, for all services performed by him in a criminal cause, five dollars.

Probate court. SEC. 5. The clerk of the probate court shall receive, for filing the papers and issuing letters testamentary or of administration, in any case, two dollars. For all other services up to and including a final settlement of the case, eight dollars.

Justices. SEC. 6. The justices of the peace, severally, shall be allowed in any action before them, for all services required to be performed by them before trial, two dollars. For the trial and subsequent proceedings, including all affidavits, swearing witnesses and jury, and the entry of a final judgment, three dollars.

Costs, etc. SEC. 7. The prevailing party shall be allowed five per cent. on the amount recovered, together with any sum by him so paid in a cause as costs and disbursements, to be included in the judgment against the adverse party; *Provided*, said five per cent. shall be allowed only in litigated cases; *And provided, further*, that said per centage shall not be allowed to exceed the sum of one hundred dollars on any one judgment.

Copies of papers. SEC. 8. The justices of the peace, and the clerks of the several courts above-named, shall receive no other fees for any services whatever by them performed in any action or proceeding, except for copies of papers required on appeal, or furnished at the request of any person, for which they shall be allowed at the rate of ten cents for each one hundred words; and in case of any violation of the provisions of this act, the party receiving any fees not herein allowed, shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides costs of suit.

Act repealed. SEC. 9. All acts, or parts of acts, in conflict or inconsistent with the provisions of this act, are hereby repealed.

CHAP. CCLXXV.—*An Act amendatory of the Act entitled "An Act to incorporate Crescent City," passed April thirteenth, one thousand eight hundred and fifty-four, and to repeal section two of the Act approved April twenty-first, one thousand eight hundred and fifty-seven, amendatory of said Act of April thirteenth, one thousand eight hundred and fifty-four.*

[Approved April 22, 1858.]

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

SECTION 1. Section three, of article three, is hereby amended so as to read as follows :

Section three—The president and council shall have power : *First*, To make by-laws and ordinances not in conflict with the constitution and laws of the United States or of this state ; to prevent and remove nuisances ; to provide for licensing and regulating theatrical and other amusements in the city ; to provide for licensing any and all business not prohibited by law. *Secondly*, To open, construct, grade, and repair streets, alleys, and sidewalks, at the expense of persons owning property on such streets or alleys ; *Provided*, that the owners of two-thirds of such property shall petition the council to have such streets, alleys, or sidewalks opened, constructed, graded, or repaired ; *And provided, further*, that for these purposes, the city council shall be deemed the owner of all intersecting streets. *Thirdly*, To have obstructions removed from streets and sidewalks, at the expense of the holders of adjoining property. *Fourthly*, To establish markets ; to improve and appropriate the commons belonging to the city for the use and benefit of the inhabitants. *Fifthly*, to impose and appropriate fines, penalties, and forfeitures, for breaches of ordinances ; *Provided*, that no fine be imposed for more than two hundred dollars, and no offender imprisoned for more than sixty days. *Sixthly*, To levy and collect taxes ; *Provided*, that such taxes shall not exceed one-half of one per cent. per annum of the assessed value of property in the city, except for opening, constructing, grading, and repairing streets, alleys, and sidewalks, as herein otherwise provided ; to regulate the fees of the assessor, marshal, and collector, and to establish a police. *Seventhly*, To fill, by appointment, any vacancy in the office of assessor, or marshal ; *Provided*, that in case of a majority of the councilmen, elected in accordance with the provisions of this act, should resign, or their office become vacant in any way whatever, then any remaining councilmen may order an election to fill such vacancies.

SEC. 2. Article three of said original act is hereby further amended by the addition of the three sections next following, reading as follows :

Section five—Every assessment made in accordance with this act for the purpose of opening, constructing, grading, or repairing streets, alleys, or sidewalks, at the expense of adjacent lands, and every levy of a tax upon real estate, shall, from and after the making of such assessment or levy, operate as a lien upon

the lands so assessed, and each several parcel thereof; and such land may be sold for the payment of the sums due thereon; *Provided, however*, that there shall be no sale of the property on which the taxes assessed remain unpaid, until the owner thereof, or his or her agent, shall be notified of the assessment by personal notice, if a resident of the town, and if a non-resident, or unknown, by publication of the notice in a newspaper printed in the corporation of Crescent City once a week for three successive weeks; *Provided, also*, that notice of sale shall be given by publication in a newspaper published in said city, thirty days previous to the day of sale, and in no case shall more of the land be sold than will bring an amount sufficient to pay the assessment and expenses of collecting the same.

Redeem.

Section six—The owner of any lands sold for an assessment as aforesaid, and in pursuance of any ordinance or resolution, as the case may be, may redeem the same within six months from the day of sale, by depositing with the treasurer of said city, for the use of the purchaser, the amount paid for such land, together with two per cent. per month interest thereon; should the land sold not be redeemed according to the provisions of this act, all right and title thereto of the owner in fee-simple, or the person claiming to be such at the date of making the sale, shall remain absolute in the purchaser.

Collection.

Section seven—Whenever any such improvements shall have been made as aforesaid, the common council shall make out, from the assessment thereon, separate bills or accounts against the respective lands and their owner, liable for the same, certifying such bills or accounts under the hand of the clerk and seal of the corporation, and deliver the same to the contractor or contractors, who may have performed the work or made the improvements, who shall be authorized to collect and receipt for the same, if paid upon presentation; and if not so paid, the contractor, or contractors, shall return the same to the common council, who shall proceed to collect the same by a sale as aforesaid, and by a suit, also, where a petitioner for the improvement is personally liable; and in no case shall the city be liable to any such contractor, or contractors, for making improvement as aforesaid, farther than to collect the same as aforesaid, when it is not paid on presentation to such contractor; and in every case of sale, there shall be a deed made to the purchaser by the officer making it, within six months after such sale, if there be no redemption as hereinbefore provided. Such deed shall be made in the name of the city by such officer, in virtue of the authority under which he makes the same. The common council shall designate, by resolution, the officer who shall make the sales under the provisions of this act.

Sale and suit

Deeds.

Act repealed.

SEC. 3. Section two of the act approved April twenty-first, one thousand eight hundred and fifty-seven, entitled "an act to amend an act entitled an act to incorporate Crescent City," passed April thirteenth, one thousand eight hundred and fifty-four, is hereby repealed.

CHAP. CCLXXVI.—*An Act to amend an Act entitled "An Act concerning the Transportation of Prisoners to the State Prison, and to appropriate money for the same."*

[Approved April 21, 1858.]

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

SECTION 1. Section three of an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April twenty-one, one thousand eight hundred and fifty-six, is hereby amended so as to read as follows :

Section three—The sheriff shall receive, for a prisoner delivered at the state prison, fifty cents per mile one way, for the distance established by law from the county seat of his county to the state prison, and for every additional prisoner taken to the state prison at the same time, twenty-five cents per mile, for one way only. Sheriff's fees.

CHAP. CCLXXVII.—*An Act to confer further powers upon the Board of Supervisors, and Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned.*

[Approved April 23, 1858.]

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

SECTION 1. The board of supervisors of the city and county of San Francisco have further powers conferred upon them as follows: Powers of supervisors.

First, To order paid any final judgment against said city and county out of the surplus fund. Surplus fund

Second, To allow, and order paid, out of the general fund, from the first day of April, one thousand eight hundred and fifty-eight, to the first day of July, one thousand eight hundred and fifty-nine, sums not exceeding in the aggregate twelve thousand dollars, and the sum of six thousand dollars in any one fiscal year thereafter, for repairs upon that portion of the streets around the public squares, and in front of public buildings, for which individuals are not now by law liable; the expenditures being first authorized by the order of said board of supervisors; *Provided,* the said board of supervisors may allow and order paid out of the said twelve thousand dollars, the amount that may be legally or equitably due to George W. Smith, for repairs made at the junction of Market, Bush, Fremont, and Front streets, in the fall of one thousand eight hundred and fifty-six. General fund
Proviso.

Third, To allow, and order paid, out of the general fund, the amount equitably due Turner Cowing, for water furnished and filled into cisterns, furnished for public buildings, and for the repairs of cisterns, from the first day of July, one thousand eight hundred and fifty-six, to the last day of May, one thousand eight hundred and fifty-seven. Claim for water.

- Witnesses, etc.** *Fourth,* To allow, and order paid, out of the general fund, a sum not exceeding twelve hundred dollars, to reimburse to the proper persons the money actually expended in the procuring of witnesses, and in the translation of papers to be used in evidence in the prosecution of the case of the City of San Francisco *vs.* the United States, for pueblo lands.
- Repairs on city hall.** *Fifth,* To allow, and order paid, out of the general fund, a sum not exceeding twenty-five hundred dollars, to pay the expense lately incurred in erecting new iron cells, asphaltum floor, and other repairs in the city prison, under the city hall.
- Dock-master** *Sixth,* To allow, and order paid, out of the general fund, on presentation, the claims of the late dock-masters for the harbor of San Francisco, for services rendered from the twenty-fifth day of April, eighteen hundred and fifty-seven, to the first day of January, eighteen hundred and fifty-eight, at the rate of four thousand dollars per annum to each; and also, allow and order paid, out of the general fund, to said dock-masters, a sum not exceeding thirteen hundred dollars, to reimburse to them money expended by them in the necessary discharge of their official duties.
- Chief of police.** *Seventh,* To allow, and order paid, out of the general fund, to James F. Curtis, chief of police, to reimburse to him money expended by him in the necessary discharge of his duties, as such chief of police, prior to the first day of January, eighteen hundred and fifty-eight, any sum or sums, which, in the aggregate, shall not exceed twenty-one hundred dollars.
- Attorneys.** *Eighth,* To allow, and order paid, out of the general fund, to O. L. Shafter, James McShafter, and Solomon Heydenfeldt, as a law firm, for the defence of suits brought against the tax collector of the city and county of San Francisco, for the purpose of defeating the collection of the revenue; and for the prosecution of the case of the said city and county against the commissioners of the funded debt, a sum not exceeding five thousand dollars; *Provided,* the amount allowed shall be paid out of the taxes, the collection of which, by seizure and sale of real or personal property, has been enjoined, and from no other source.
- Appoint collectors.** *Ninth,* To appoint two persons collectors of licenses, who shall have and exercise the same powers as police officers in serving processes or summonses, and in making arrests; whose salaries shall not exceed one hundred and twenty-five dollars per month, to be fixed by said board of supervisors. The said board of supervisors shall have power to make all needful rules and by-laws regulating the official conduct or duty of said persons, who shall be appointed license collectors, and alter or amend the same, from time to time, in such manner as they may deem proper.
- Stationery.** *Tenth,* To allow, and order paid, out of the general fund, to F. D. Kohler, any sum, not exceeding one hundred and twenty-five dollars, they may find legally or equitably due to him, for books and stationery furnished by him for the county recorder's office of said city and county, from October, one thousand eight hundred and fifty-six, to September, one thousand eight hundred and fifty-seven.
- Medical services.** *Eleventh,* To settle with, allow, and order paid, out of the general fund, to B. A. Sheldon, so much of his claim for medical services rendered to the prisoners in the county jail and city prison,

from July first to December first, A. D. eighteen hundred and fifty-six, and also, of his claim for trying issues of insanity during the same period, as the said board of supervisors may determine to be equitably due to said Sheldon.

Twelfth, To settle, allow, and order paid, out of the general fund, to Robert Farran, John Barmore, James Gannon, and James Creighton, so much of their claims, for services as jail-keepers and assistant jail-keepers, from the first day of April, eighteen hundred and fifty-six, to May seventeenth, eighteen hundred and fifty-seven, as the said board of supervisors may deem to be equitably due to either of said persons; *Provided*, said board shall consider any sum or sums of money received by either of said persons from said city and county, or from the late sheriff, David Scannell, or from any prisoner confined in said jail, during said term, which was not expended for the use of said prisoner, as having been paid to the credit of said city and county.

Thirteenth, To settle, allow, and order paid, out of the general fund, to John H. Purdy, John Martin, E. C. Dowdigan, Jasper Babcock, and Michael Kenny, so much of their claims, for services as bailiffs to the fourth and twelfth district courts, the county court, and the superior court, for said city and county, as the said board of supervisors may deem to be equitably due to either of said persons, for services rendered from April first, eighteen hundred and fifty-six, to October, eighteen hundred and fifty-seven; *Provided*, said board shall consider any sum or sums of money received by either of said bailiffs, from said city and county, or from the late sheriff, David Scannell, or in fees collected as bailiffs, or deputy, or under-sheriffs, during said period, as having been received by them to the credit of said city and county.

Fourteenth, To order constructed a common pound for estrays, and to provide for the taking up and impounding of all animals running at large within the streets of said city and county, north of Johnson street and east of Larkin street; *Provided*, the cost of the construction of said pound shall not exceed five hundred dollars, which sum, or so much thereof as may be necessary, may be paid out of the general fund by order of said board of supervisors. The said board shall have power to make all needful rules and regulations necessary for the proper management and control of said pound, and may appoint one or more pound-keepers, who shall be paid out of the fines imposed and collected of the owners of any animals impounded, and from no other source.

Fifteenth, To allow, and order paid, out of the general fund, to Philip Martin, any sum, not exceeding fifteen hundred dollars, they may find to be legally or equitably due to him from said city and county, for services rendered in cleaning and watching the hall of records of said city and county, from July, one thousand eight hundred and fifty-six, to October, one thousand eight hundred and fifty-seven.

Sixteenth, To allow, and order paid, out of the general fund, to William Cummings, any balance they may find legally or equitably due to him for building a cistern at the intersection of Third and Mission streets, larger than the original contract size, the said enlargement to be proved to have been made at the

request of the chief engineer of the fire department of said city and county; and the additional price or allowance to be computed at the same rate per gallon, as the original contract price allowed.

Seventeenth, To cause repairs to be made on the city hall, the aggregate expense of which shall not exceed one thousand dollars; and to cause to be built a parapet, or fence, on the top of the county jail of said county, the cost of which shall not exceed one thousand dollars, and order the expense and cost paid out of the general fund; and, also, to cause all needful repairs to be made on all public buildings, and order the expense of such repairs to be paid out of the surplus fund.

Eighteenth, To order the president of the board of supervisors to make, execute, and deliver, a good and sufficient deed of trust of the lot known as the hospital lot, being lot numbered four hundred and eighty-two, situated on Greenwich street, to the board of education of said city and county; and the said board of supervisors, in a settlement with said board of education, are authorized to allow said board of education such sum as they may deem equitable, as a difference in the value between said hospital lot numbered four hundred and eighty-two, and lot numbered six hundred and ninety-five, the same known as North Beach hospital lot, and the sum so allowed, order paid out of the surplus fund.

Nineteenth, To purchase, and take a deed, in the name of the city and county, a lot or parcel of land, adjoining lot numbered six hundred and ninety-five, being lot known as the North Beach hospital lot; the cost of which lot, or parcel, to be purchased, shall not exceed fifteen hundred dollars, and the same order paid out of the general fund.

Twentieth, To ordain, procure, and use, a common seal, to be used at pleasure, as the official seal of the said city and county of San Francisco, the cost of which seal shall not exceed fifty dollars, to be paid out of the general fund, by order of said board of supervisors.

Twenty-first, To allow, and order paid, out of the general fund, so much of the claims of J. Horace Kent, late coroner of said city and county, which have been assigned by said Kent to E. B. Vreelance, J. D. Sanborn, S. P. Collins, and I. P. Rankin, as the said board of supervisors may deem to be equitably due from said city and county, for official services rendered by said Kent from the twenty-sixth day of March, one thousand eight hundred and fifty-six, to the eighteenth day of April, one thousand eight hundred and fifty-seven.

Twenty-second, To have power to appoint an assistant prosecuting district attorney, who shall hold said office during the pleasure of said board. The said assistant shall also be the prosecuting attorney for the police court of said city and county, and shall receive a salary as such assistant and prosecuting police attorney of twenty-four hundred dollars per annum, payable monthly out of the general fund, which shall be in full for all services rendered for said city and county, or for either of them.

Twenty-third, The said board of supervisors may make all needful rules and police regulations for the safety and well ordering of all omnibus lines in the city and county of San Francisco.

Twenty-fourth, The said board of supervisors are authorized and empowered, in their discretion, to allow to the clerk of said board an increase of salary, to the amount of twenty-five dollars per month, to be paid out of the general fund, and to allow said clerk to appoint an assistant, who shall be paid by said clerk for all services said assistant may render him. Salary of clerk.

Twenty-fifth, The said supervisors are authorized and empowered, in their discretion, to allow to the deputy county treasurer of said city and county, an increase of his present salary to the amount of four hundred dollars per annum, to be paid out of the general fund. Salary of deputy treasurer.

Twenty-sixth, To allow, and order paid, out of the general fund, sums, which, in the aggregate, shall not exceed five thousand dollars, for the current expenses of the city and county hospital of said city and county, for the ensuing year from the first day of May, A. D. one thousand eight hundred and fifty-eight, the same to be in addition to the present hospital fund. City hospital

SEC. 2. The auditor of said city and county is hereby authorized to audit, and the treasurer of the same is hereby authorized to pay, any and all sums that may be allowed and ordered paid by said board of supervisors, by authority of this act. Auditor to pay.

CHAP. CCLXXVIII.—*An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco.*

[Approved April 23, 1858.]

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

SECTION 1. The clerk of the city and county of San Francisco, from and after the fifth day of May A. D. eighteen hundred and fifty-eight, shall receive for all services required of him by law, in his said office, and *ex officio* offices, a salary at the rate of six thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and the money for the payment of the same shall be collected and paid him in the manner hereinafter provided. Clerk.

SEC. 2. The sheriff of the city and county of San Francisco, from and after the fifth day of May, A. D. eighteen hundred and fifty-eight, shall receive for all services required of him by law in his said office, a salary at the rate of ten thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and the money for the payment of the same shall be collected and paid him in the manner hereinafter provided. Sheriff.

SEC. 3. The recorder of the city and county of San Francisco, from and after the fifth day of May, A. D. eighteen hundred and fifty-eight, shall receive for all services required of him by law in his said office, a salary at the rate of five thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and the money for the payment of the same Recorder.

shall be collected and paid him in the manner hereinafter provided.

Deputies for county clerk

Sec. 4. The clerk of the city and county of San Francisco shall be allowed nine deputy and copying clerks, who shall be paid and employed in the following manner; the chief clerk to be paid at the rate of two hundred and fifty dollars per month; one register clerk, and one court-room clerk, in the twelfth district court, to be paid at the rate of two hundred dollars per month each; one assistant, or copying clerk, in the office of the clerk of said court, to be paid at the rate of one hundred and fifty dollars per month; one register and court-room clerk in the fourth district court, to be paid at the rate of two hundred dollars per month each; one assistant, or copying clerk, in the office of the clerk of said court, to be paid at the rate of one hundred and fifty dollars per month; one clerk in the county court, court of sessions, and probate court, to be paid at the rate of two hundred dollars per month; and one assistant clerk, to be employed in the office of the clerk of said last-mentioned courts, to be paid at the rate of one hundred and fifty dollars per month.

Sheriff's clerks.

Sec. 5. The sheriff of the city and county of San Francisco shall be allowed the following clerk and deputies: One book-keeper, to be paid at the rate of two hundred dollars per month; one under-sheriff, to be paid at the rate of three hundred dollars per month; and six deputies, three of whom to be paid at the rate of two hundred dollars per month, each, and three at the rate of one hundred and fifty dollars per month each; and four jail-keepers, to be paid at the rate of one hundred and fifty dollars per month, each.

Recorder's clerks.

Sec. 6. The recorder of the city and county of San Francisco shall be allowed the following employees: One clerk, to be paid at the rate of two hundred dollars per month; and five clerks, to be paid at the rate of one hundred and twenty-five dollars per month, each; and one person to act in the capacity of porter and watchman, to be paid at the rate of one hundred dollars per month.

Fee for copying.

Sec. 7. The recorder of the city and county of San Francisco shall receive for recording or copying any instrument, paper, or notice, when required, for each folio, twenty cents.

Fees paid over.

Sec. 8. The several officers named in this act, shall, on and after the date named in the first section of this act, collect and safely keep all fees, per centages, and compensation of whatever nature or kind, allowed them by law, for services rendered by them or their deputies, in their said several official capacities, and they shall, on each Monday after the said date, pay the same to the county treasurer of said city and county of San Francisco.

Statement.

Sec. 9. The said several officers shall, at the expiration of each month, make out and file, with the said treasurer, a full and accurate statement, under oath, of all fees, per centages, or compensation of whatever nature, or kind, received in their said several official capacities for the preceding month, in which statement they shall set forth the causes in which, and the services for which, it was received, and the party, or source, from which derived. And it shall be the duty of said officers to keep each of them a book, in which shall be entered, by items, every kind or

description of services performed by them, or their deputies; for whom, and for what services performed; the time of rendering said service, and the amount allowed by law for each particular service; which book, or books, shall be open to the inspection of the board of supervisors, and every citizen, at all times.

SEC. 10. For a willful neglect, or for a refusal to comply with the provisions of this act, or for any one or more of them, any officer, or officers, herein named, shall, on conviction, be subject to a fine not exceeding five thousand dollars, to forfeit their offices, to imprisonment in the state prison not less than one, nor more than three years; or to any one or more of said penalties, in the discretion of the court; *Provided*, that nothing in this section shall be held to release them from the giving of any bonds required by law, or from any civil responsibility to any and all persons, in relation to the business of their said offices, that may be, by general laws, applicable to their said several official duties.

Penalty for neglect.

SEC. 11. When stationery and blanks are required for the use of any of the officers herein named, a statement, sworn to by the officer making the requisition, shall be presented to the board of supervisors for their approval, who may order the sum necessary to pay for the same, to be paid out of the fees paid over to the county treasurer.

Stationery, etc.

SEC. 12. It shall be the duty of the treasurer of the city and county, to receive, receipt for, and safely keep all moneys paid over to him, under the provisions of this act, and to pay, on the audit of the county auditor, (who is hereby required to audit the salaries herein provided,) out of said moneys, monthly, all the salaries provided herein to be paid to the said county clerk, sheriff, and county recorder, of the city and county of San Francisco, and their deputies, clerks, and employees, authorized by this act; and the said county treasurer shall annually, after the payment of the salaries herein provided, transfer all moneys remaining after said payments, if any there be, over to the general fund.

Payment of salaries.

Surplus.

SEC. 13. It shall be the duty of the sheriff to bestow the advertising of his office on such paper as will do the same at the lowest rates. He shall, every six months, publish three successive times in one or more daily papers published in the county of San Francisco, for proposals for such bids, and the paper offering to do the work at the lowest price, provided it be a paper of general circulation, shall be awarded the contract for such advertising.

Advertising of sheriff.

SEC. 14. The clerk of said city and county shall not be obliged to file any paper in any suit, or legal proceeding, nor issue any execution, nor enter satisfaction of any judgment, or decree, until the fees prescribed by law are paid, or tendered; and the county clerk shall in no case be required to perform services in any suit or proceeding, until all fees due and in arrears in such suit or proceeding, are first paid, or tendered.

Fees in advance.

SEC. 15. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed, so far as they relate to the offices of county clerk, sheriff, and county recorder, of the city and county of San Francisco.

Act repealed.

CHAP. CCLXXIX.—*An Act to audit the Claim of H. and W. P. Gibbons.*

[Approved April 23, 1858.]

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

Claim
allowed.

SECTION 1. The claim of H. and W. P. Gibbons, for attendance on sick in state marine hospital during the month of April, one thousand eight hundred and fifty-five, the sum of one thousand eight hundred and eighty-four dollars, is hereby audited and allowed.

CHAP. CCLXXX.—*An Act to authorize the Board of Supervisors in and for Butte County to issue the Bonds of said County, for an amount not to exceed two hundred and thirty thousand dollars, to be expended in constructing a Railroad and Wagon Roads in said county, and to provide for the payment of said Bonds.*

[Approved April 23, 1858.]

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

Bonds for a
railroad.

SECTION 1. The board of supervisors, in and for the county of Butte, are hereby authorized and empowered, at their discretion, to issue the bonds of the county of Butte, as a loan, for the purpose of constructing a railroad within its limits, to the extent of two hundred thousand dollars, to the Feather River Railroad Company, should a company by that name be incorporated, or to any other company now, or that may hereafter be incorporated, whereby a connection may be formed, by means of a railroad between Oroville and tide water, by the way of Sacramento or otherwise.

Property as
security.

SEC. 2. Whenever the board of supervisors of said county shall agree to issue the bonds of said county, as a loan, to any incorporated company for the purposes mentioned in the first section, and whenever said company shall, by and through its proper and constituted authority, agree to receive said loan, and to give therefor its first mortgage bonds, whereby the said railroad company, and all the corporate property thereof, shall be held as security for the payment of said first mortgage bonds, and the interest thereon, to said county. The board of supervisors, in that event, at any regular meeting thereof, shall, by an order entered upon its records, declare its assent to such loan, the amount, in what amounts, to what company, and where each amount is to be paid. Upon the entry of such order, the chairman of the board of supervisors, the county treasurer, and the county auditor, shall as soon thereafter as practicable, have prepared county bonds, corresponding in amount, number, place of payment, and to whom payable, as designated by said board; *Provided*, that no bond shall be issued for an amount exceeding five thousand dollars. The bonds shall draw interest at the rate of eight per cent. per annum, and shall be made payable at the

Bonds to
issue.
Interest.

office of the county treasurer of said county, or in the city of San Francisco, or in the city of New York, at the option of said company, on or before the first day of January, one thousand eight hundred and seventy-nine. The interest arising on said bonds shall be due and payable semi-annually on the first day of January and July in each year, and shall be due and payable at the same place that the bonds are. Coupons for the interest shall be attached to each bond, so that when paid, they may be removed without mutilation to the bonds, and delivered to the county treasurer, to be by him kept as a voucher for the payment of the same. Where
payable.

Coupons.

SEC. 3. The bonds and their coupons shall be consecutively numbered, signed by the chairman of the board of supervisors, the county treasurer, and county auditor; and when so signed, shall be delivered to the board of supervisors, at some regular meeting thereof, who shall cause the county clerk of said county, in their presence, to countersign said bonds, and to affix thereto the seal of the county court; and such attestation shall be entered upon the records of said board, giving the date, the number, amount, when payable, and to whom, of each bond. When said bonds shall have been thus executed, and the said company shall have issued and delivered, in due form of law, to the board of supervisors of said county, their first mortgage bonds, bearing interest, payable semi-annually, on the first day of June and December in each year, after the first five years, at the rate of eight per cent. per annum, from the date of said bonds, and corresponding in amount with said county bonds, and made payable on the first day of November, one thousand eight hundred and seventy-eight, to the county of Butte, or her order, at the office of the county treasurer of said county. In that event, and not otherwise, the chairman of the board of supervisors shall deliver as a consideration for said first mortgage bonds, the said county bonds to the said company, to be used, and not otherwise, in the construction and purchase of materials for the railroad, to be constructed within the limits of said county of Butte. Numbered
and signed.

SEC. 4. The chairman of the board of supervisors, at the time of the delivery of said county bonds to said company, shall take the receipt of said company, through its proper officers, stating the date, number, amount, to whom, and where payable, of each bond, which receipt he shall cause to be entered upon the records of said board of supervisors, at a regular meeting thereof; and the chairman of the board of supervisors shall deliver the said first mortgage bonds of said company, upon the receipt of the same to the county treasurer, to be by him and his successors in office safely kept; and the said treasurer shall give his receipt to said chairman, for said mortgage bonds, which receipt shall state the date, number, amount, to whom, and when payable, of each bond, and said chairman shall cause said receipt to be spread upon the records of said board at the next regular term thereof; which mortgage bonds, by virtue of this law, shall hold said railroad company and all the corporate property thereof as security for the payment of the same, in preference to any other and all other incumbrances that may have arisen against said company and its property, subsequent to the time Receipts.

that said board of supervisors agreed to issue said bonds as evidenced by the first original entry in relation thereto in its records.

Interest tax. SEC. 5. It shall be the duty of the board of supervisors of said county, and they are hereby authorized and empowered, to levy a yearly tax, to be styled "interest tax," on the assessed property of said county sufficient to pay the yearly interest on said county bonds not exceeding eighty cents on the hundred dollars, the same to be assessed and collected at the same time and in the same manner as the other property tax is assessed and collected. And the treasurer of said county shall place to that fund the interest that may be paid over to him on the said mortgage bonds, and the said treasurer shall pay, or cause to be paid, out of said fund, the interest on said county bonds, as it falls due; and should there be a surplus after the payment of said interest, the same shall be set apart as a sinking fund for the redemption of said bonds, and when the same shall amount to two or more thousand dollars, the treasurer shall apply the same to the purchase of said bonds from the lowest bidder; *Provided*, the same does not exceed the par value, upon advertising for twenty days, in some newspaper published in his county, for bids.

Sinking fund

Enforce payment by suit. SEC. 6. The board of supervisors of said county are hereby authorized and empowered, in behalf of the county, to enforce the payment of said mortgage bonds, by suit, if default is made in the payment of the same, at the time of maturity. And they may sell and transfer, without recourse, said mortgage bonds to the holders of the said county bonds, dollar for dollar, or they may sell and transfer the same, without recourse, to any other parties, for value received, at par value. All money realized out of said mortgage bonds shall be an inviolable fund for the redemption of the county bonds, and the balance, if any, shall be paid over into the general county fund, for county purposes.

Bonds to improve road SEC. 7. The board of supervisors in and for Butte county are authorized and empowered, and it is hereby made their duty, to cause to be issued county bonds to the amount of the further sum of thirty thousand dollars, in denominations of one, three, and five hundred dollars, and in denominations of one, two, and three thousand dollars, in all, not to exceed the foregoing sum of thirty thousand dollars, of which sum two thousand dollars of said bonds, or so much thereof as may be necessary, shall be expended, under the supervision of the board of supervisors, in improving the road from Oroville to Forbestown, in said county; and the balance of said thirty thousand shall be expended as hereinafter provided.

Ten per cent. SEC. 8. The bonds shall draw ten per cent. per annum; they shall be consecutively numbered as issued. One-half of said bonds shall be made payable on the first day of January, in the year one thousand eight hundred and sixty-three, and the other half shall be made payable on the first day of January, one thousand eight hundred and sixty-five, at the office of the county treasurer of said county, or at the city of New York, at the option of the holder, in the order in which they are numbered, and shall be made payable to the persons to whom first issued, or his order. The interest shall be paid semi-annually, on the first day of January and July, in each year.

At New York or Butte co.

The bonds shall be signed by the chairman of the board of supervisors, the county auditor, and at the time they are issued shall be countersigned by the county clerk, and attested by the seal of the county court of said county. Coupons for the interest shall be attached to each of said bonds, so that they may be removed without injury or mutilation to the bond, and delivered to the treasurer, as a voucher for the payment of the same. They shall be consecutively numbered and signed by the chairman of the board of supervisors, and by the county auditor. The county clerk shall keep a record of said bonds, in which shall be entered the date, number, amount, to whom, where, and when, each bond is payable. And when all of said bonds shall have been issued, and thus registered, the county clerk, under the seal of the county court, shall certify said registry to be true and correct, and he shall thereupon deliver said record to the county treasurer, to be by him, and his successors in office, kept as a registry of said bonds.

Recorded.

Sec. 9. The county treasurer shall advertise in some newspaper published in the county, or in New York city, as the case may be, when said bonds and interest are payable at least thirty days immediately preceding the day on which the same shall be due, stating at what office or banking-house said bonds or interest, as the case may be, shall be paid. After the payment of the interest, if there should be a surplus of funds, amounting to two thousand dollars or more, the same shall be applied to the payment of the bonds, as they are consecutively numbered.

Notice of payment of interest.

Surplus.

Sec. 10. For the payment of said bonds and interest, the board of supervisors of said county are authorized and empowered, and it is hereby made their duty, to levy a yearly special tax of one-third of one per cent. on every one hundred dollars of assessable property, and a capitation tax of fifty cents on all persons that are liable to pay a poll-tax, and the same shall be assessed and collected, at the same time and in the same manner, as the property and poll-taxes in said county are assessed and collected. To this fund, the treasurer of said county shall place the surplus revenue of the county, if any, and the fund created under this section is hereby denominated "the special road fund," and the bonds shall be drawn payable out of that fund.

Special tax for road fund

Sec. 11. The county treasurer of said county shall set apart, out of said fund, a sufficient sum to pay the interest, as it may fall due; and if there should be a deficiency in said fund, he shall pay the deficiency out of the "general county fund," and replace the amount from the "special road fund," when collected.

Deficiency.

Sec. 12. Thomas Wells, J. W. Mason, and M. Pence, of Butte county, are hereby constituted and appointed a board of wagon road commissioners, who shall, as soon as practicable, cause to be located, improved, or constructed, a public wagon road from Oroville, Butte county, passing thence *via* what is now called Mendanhall's ranch, over the best and most practicable route to the south-east side of Middle Feather River; and from the north side of said river, thence over the shortest and most practicable route to, and intersecting the dividing line between Butte and Plumas counties, where the Bidwell and American Valley road passes. Said commissioners shall also cause to be located, improved, or constructed, a public wagon road from Oroville, pass-

Board of commissioners.

Route of road

ing thence over the shortest and most practicable route, *via* Pence's Ranch, to and intersecting the Oroville and Honey Lake road on the north-west side of Feather River, at the dividing line between Butte and Plumas counties. And the said commissioners, in locating and establishing each of said roads, shall take into consideration the improvements and investments that have now been made to accommodate the traveling public, and also the accommodation of any town or village located along the line of the present established routes. And said commissioners are hereby authorized and empowered to expend, on each of said roads, the sum of fourteen thousand dollars in the survey, location, and construction of the same, which amounts thus appropriated for each road is hereby pledged and hypothecated as an inviolable fund for the completion of the same, on the line of the routes hereinbefore indicated. When either or both of said roads shall have been completed, the surplus of the fund for such road or roads, as the case may be, or that may arise from the two thousand dollar fund, shall be expended by the board of supervisors of said county in the improvement of any public road now established in said county, as they may think just and proper, and for the improvement of such public road or roads, said surplus is hereby pledged. The surveying or engineering necessary to be done in locating and constructing said roads, by said commissioners, shall be done by the county surveyor, or under his supervision. No toll-road, or any other road, or investment therein, now constructed or in process of construction, or that shall hereafter be constructed, shall be purchased under this act.

Empowered
to expend.

Majority
may contract

SEC. 13. Any two of said commissioners, appointed under the provisions of this act, are hereby authorized and empowered to make contracts and to do all acts and things herein contemplated and necessary to be done, and the same shall be as effectual and valid as if made by all such commissioners.

Plans and
specifications

SEC. 14. Said commissioners shall have prepared plans and specifications of the characters, grade, and dimensions of said roads, and, as they shall have been fully prepared and settled for each road, they shall advertise for at least ten days in a newspaper in Butte county, for sealed proposals for the performance of the work to be done in improving and constructing said roads. Said contract or contracts on each road shall be let out in sections of one, ten, or more miles in length. Said bids shall specify the rates at which the work will be done, payable in bonds issued under this act, at par value, and also at what rates, payable in cash. The commissioners shall, after opening the proposals that may be received, let the work by contract to the lowest and most responsible bidder or bidders; *Provided*, that if none of the bids offered shall be satisfactory to the commissioners, then the commissioners may advertise again for sealed proposals; *And provided, further*, that the accepted bidder or bidders shall give bonds in double the amount of their contract, with two or more sureties, to be approved by the commissioners, and conditioned for the faithful performance of such contract; and in case of the failure on the part of an accepted bidder, to give satisfactory security, then the commissioners may, in their discretion, accept the next lowest bid.

Advertise for
proposals.

Award.

Sureties.

SEC. 15. Said commissioners are hereby required to keep a minute account of all expenses that may be made on the survey, location, and construction of said roads, and to report the same to the board of supervisors of said county, at such times as they may require; and they are further authorized and required to cause said roads to be located, improved, and constructed, as far as practicable, by the first day of December of the present year; and the location of the said roads, the letting of the contracts, and the construction of the same, shall be done by sections, consecutively numbered, on the line of each route, in the order hereinbefore designated, commencing at Oroville, and running thence on the line of the proposed route, to its terminus. The contracts shall be let, and the work commenced, as soon as practicable.

Account of
expenditures

SEC. 16. In payment of any contract, demand, or liability, created in the constructing or improving said roads, the same shall be certified by the commissioners to the board of supervisors in said county, who shall thereupon cause the bonds to be issued, provided in section seventh of this act; which bonds, or the proceeds thereof, shall be applied to the payment of said contract or contracts, according to their terms; and to this end the board of supervisors in said county are authorized to have said bonds cashed, to meet the payment of any contract or contracts, and not otherwise; *Provided*, said bonds shall not be cashed at a discount greater than ten per cent.

Demands
certified.

SEC. 17. The commissioners, or either of them, acting under or by virtue of this act, shall not, either directly or indirectly, be in any manner interested in any contract or undertaking, either for supplies, materials, or otherwise, in the construction or improvement of said roads. Any violation of this section shall be deemed a misdemeanor; and, upon conviction thereof, before any competent tribunal, shall be fined in any sum not less than one thousand dollars.

Not interested
in contracts.

SEC. 18. Any expenditures made, or contracts entered into, by said commissioners, beyond the amount of bonds appropriated and authorized to be issued by this act, for the roads placed under their supervision, shall be null and void.

Excess null.

SEC. 19. The compensation of each commissioner shall be six dollars per day for actual service, payable in bonds issued under this act. Said commissioners shall certify to the correctness of amount of each, to the board of supervisors in said county, who shall audit the same, if correct, and order it to be paid; *Provided*, that the amount allowed as compensation to each commissioner, shall not exceed, in the aggregate, six hundred dollars in any one year.

Compensation

SEC. 20. Should a vacancy, from death or resignation, occur in the board of commissioners, before the objects of this act shall have been carried out, the vacancy shall be filled by an appointment, by the board of supervisors of said county, and such person or persons so appointed, shall have, and are hereby invested with all the duties, responsibilities, and authority of that office, as if he had been appointed by this act originally.

Vacancy.

SEC. 21. The bonds that are required to be issued under this act, shall not be issued, except upon a proposition to issue said bonds to the electors of Butte county, at the next general elec-

Question to
be voted on.

tion, the majority of the electors voting upon said proposition shall be in favor of issuing said bonds; and to give full force and effect to this act, it is hereby made the duty of the board of supervisors of said county to submit to the qualified electors, at the next general election in their county, the proposition to issue said bonds. Those voting for said propositions shall have written or printed on their ballots: "County bonds, for a railroad and wagon roads—Yes;" or, "County bonds, for a railroad or wagon roads—No." Said vote shall be canvassed by the board of canvassers of said county, at the same time, and in the same manner as the votes cast for state and county officers, and the result of said voting shall be entered upon the records of the board of canvassers; and if said proposition shall receive a majority of said votes, it shall be lawful to issue said bonds, and not otherwise, for the purposes hereinbefore enumerated.

CHAP. CCLXXXI.—*An Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of Land donated to this State for School Purposes, and the seventy-two sections donated to this State for the use of a Seminary of Learning.*

[Approved April 23, 1858.]

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

School lands SECTION 1. The unsold portion of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections of land donated to this state for the use of a seminary of learning, shall be located and disposed of as hereinafter provided.

Locating agents. SEC. 2. The Governor of the state of California is hereby authorized to appoint and commission one suitable and competent person, for each of the United States land districts of this state, whose duty it shall be to locate the land named in the first section of this act, in the manner and for the purposes hereinafter prescribed; the said persons to be called locating agents of the state, to be commissioned by the governor; and they shall, before entering on the discharge of their duty, take and subscribe an oath, and also give bonds in the sum of five thousand dollars, for the faithful discharge of their duties as prescribed in this act.

Agents shall locate. SEC. 3. The agents so appointed, as aforesaid, shall, as soon as practicable, proceed to obtain the consent of such of the settlers on the public lands of the United States as may choose to avail themselves of the benefits of this act, and also the request of persons other than settlers on the public lands that wish to purchase lands under the provisions of this act, which said consent, or request, as the case may be, shall be accompanied with the affidavits of the person wishing to purchase said land, and two disinterested persons, subscribed and sworn to before a justice of the peace or notary public, that there is no valid claim existing upon the land so desired, adverse to the claim of the per-

son making such application for location; and whenever such consent, or request, shall have been so obtained, under such forms as the Governor may prescribe, the said agent shall apply to the register and receiver of their respective land offices to permit said location to be made, in the name of the state of California, as a part of the land described in section first of this act, and if so permitted, said agent shall make such location, in conformity to the laws and regulations of the United States.

SEC. 4. The agent shall not locate more than three hundred and twenty acres, either directly or indirectly, for any one person. Stipulation.

SEC. 5. Whenever such settler, or person, shall give his consent, or make his request, as the case may be, to the agent, to have his land located under this act, said agent shall accept such offer under the following conditions: that if said location be made and approved by the United States, it shall be for the use and benefit of such applicant, on his complying with all the conditions and provisions of this act. Approved by U. S.

SEC. 6. The said person, whose location has been thus made, shall have the right to receive a certificate of purchase for the same, by paying one dollar and twenty-five cents per acre, and interest, at the rate of ten per cent. per annum, from the date of the location in the United States land office; or, if said purchaser prefer, he may pay twenty per cent. of the purchase money, and one year's interest on the balance, in advance, and the register of the state land office shall deliver to him a certificate of purchase; *Provided*, that the Legislature may, by law, require the payment of the balance due at any time after one year from the date of approval by the general government; *And provided, further*, that if the purchaser fail to pay the interest, as prescribed in this act, or to pay the balance due when thereunto required by any law of this state, said purchaser shall forfeit to the school fund all money paid thereon, either as principal or interest, together with all right, title, claim, or interest to said lands, and any other person may purchase the same on the same conditions as imposed by this act upon the original purchaser. Certificate of purchase.
Price per acre.
Interest.

SEC. 7. The locating agent shall prepare and keep a complete register of all lands located under the provisions of this act, containing a description of the same by sections, and parts of sections, township, and range, appended to the names of purchasers, in alphabetical order, and the county in which said lands are situated, and certify a copy thereof to the register of the state land office. Registry of lands.

SEC. 8. The said agents shall, in like manner, in the name of the state, for the use of the particular township requiring such location to be made, locate lands in lieu of any sixteenth or thirty-sixth sections, or parts of sections, appropriated by law of Congress to other uses, or which may be unfit for cultivation, according to the laws of the United States, whenever thereunto requested by the person authorized by the board of supervisors of any county in this state, to select land in lieu of those otherwise appropriated; said agent to keep the like register and furnish the like reports, as provided for in section seven of this act, and also, to the register of the land office, a complete and per-

fect description of the lands relinquished by section, township, and range, and the reasons why said lands were relinquished; and the board of supervisors of the county for which the locations were made, shall pay said agent the same fees as are allowed in other cases.

Money set apart to purchase bonds.

SEC. 9. It shall be the duty of the board of examiners created by an act approved April sixteenth, one thousand eight hundred and fifty-six, entitled an act for the better protection of the state treasury, whenever it shall appear to said board, that the treasurer of the state has received into the treasury, the sum of ten thousand dollars or upwards, paid in as purchase-money for land under the provisions of this act, to purchase bonds of the civil funded debt of this state, issued since the first day of January A. D. eighteen hundred and fifty-eight, to the amount said money paid in as aforesaid will purchase, at the lowest value at which they may be purchased, after advertising, for two weeks in one daily newspaper published in the city of San Francisco, and one in the city of Sacramento, for sealed proposals for the sale of said bonds. The said board shall open said proposals at the time and place specified in said publication, in the presence of the Treasurer and Controller of State, and accept only of such proposals, as offer bonds at the greatest discount, to the amount the funds in the treasury paid in as purchase-money for school lands will purchase. Said board shall audit the amount due said bidder or bidders for his or their bonds, which amount shall be paid on the order of said board by the treasurer, and said board of examiners shall deliver said bonds to the treasurer, who shall keep said bonds as a special deposit in his custody, marked "school fund," to the credit of the school fund; *Provided, however,* that no bonds shall be purchased at more than par value. All interest paid into the treasury, under the provisions of this act, shall be subject to the order of the board of education.

Proposals.

School fund.

Seminary fund.

SEC. 10. At the expiration of one year from the passage of this act, the board of examiners shall take and use fifty-seven thousand six hundred dollars of any money belonging to the school fund, for the purpose of buying bonds, in the same manner as prescribed in the preceding section of this act, and when said bonds have been so purchased, they shall be in like manner delivered to the Treasurer of State, and kept by him as a special deposit, marked "seminary fund," to the credit of said fund; all interest paid into the treasury on said seminary bonds shall be invested in state bonds, in the same manner as hereinbefore provided for.

Agents' fees.

SEC. 11. The locating agents, appointed under the provisions of this act, shall have the right to demand as a fee for their services, the sum of six dollars for each location made by them.

Act repealed.

SEC. 12. An act passed May third, A. D. one thousand eight hundred and fifty-two, entitled an act to provide for the disposal of the five hundred thousand acres of land, granted to this state by act of Congress, passed April fourth, A. D. one thousand eight hundred and forty-one, and an act passed May seventh, A. D. one thousand eight hundred and fifty-five, entitled an act to provide for the selection of land donated by the United States to this state, for the support of common schools, and for the erection of public buildings, and all other acts conflicting with the provis-

ions of this act, are hereby repealed; *Provided, however,* that all school-land warrants, now in circulation shall be received for school lands, and may be located as now provided by law; *And, provided, also,* that all certificates of land located under the provisions of an act passed May third, one thousand eight hundred and fifty-two, entitled an act to provide for the disposal of the five hundred thousand acres of land granted to this state by an act of Congress passed April fourth, one thousand eight hundred and fifty-one, which have been recorded by the recorders of the counties of this state, are hereby made and declared to be valid and effectual to all intents and purposes as though such certificate had been recorded by the clerk of the county court, under the provisions of section eleven of the said act.

Proviso.

Certificates made valid.

SEC. 13. That portion of the five hundred thousand acres of land, and the seventy-two sections of seminary land, authorized to be sold by the provisions of this act, shall be deemed and held to be a portion of the public domain of this state, within the meaning of the sixth section of an act creating a state land office for the state of California, passed A. D. one thousand eight hundred and fifty-eight.

Public domain.

CHAP. CCLXXXII.—*An Act amendatory of an Act entitled "An Act to declare Feather River navigable," passed March fourteenth, one thousand eight hundred and fifty-seven.*

[Approved April 23, 1858.]

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

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

Section one—So much of Feather river as lies between the mouth of Yuba river and the western boundary of Huntown street, in the town of Oroville, is hereby declared navigable.

Feather riv'r navigable.

SEC. 2. The act passed April thirteenth, one thousand eight hundred and fifty-eight, entitled "an act amendatory of an act to declare Feather River navigable," is hereby repealed.

Act repealed.

CHAP. CCLXXXIII.—*An Act concerning the Seventh Judicial District, and the Judge thereof.*

[Approved April 23, 1858.]

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

SECTION 1. The judge of the seventh judicial district shall receive for his services, annually, in the manner provided by law for the payment of salary of district judges, the sum of five thousand dollars.

Salary.

SEC. 2. The judge of said seventh district shall hold in each of the counties of said district, three terms of his court, each year, commencing as follows: In the county of Contra Costa,

Three terms.

on the first Monday of January, May, and September; in the county of Marin, on the first Monday of March, July, and November; in the county of Napa, on the first Monday of February, June, and October; in the county of Sonoma, on the third Monday of February, June, and October; and in the county of Solano, on the third Monday of January, May and September.

Act repealed. SEC. 3. The "act of April twenty-first, eighteen hundred and fifty-six, to reduce the salaries of officers and pay of members of the Legislature," and the "act of February twenty-sixth, one thousand eight hundred and fifty-six, to fix the times of holding the terms of the district court of the seventh judicial district," are hereby repealed, so far as their provisions apply to the seventh judicial district and the judge thereof, as also all acts or parts of acts conflicting with this act.

CHAP. CCLXXXIV.—*An Act authorizing F. F. Marx, B. Nordheimer, and others, to construct a Wharf at Trinidad, in Klamath County.*

[Approved April 23, 1858.]

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

Wharf. SECTION 1. F. F. Marx, B. Nordheimer, William F. March, John C. Marston, William H. Ford, George Olive, and such other persons as they may associate with them, are hereby authorized to construct a wharf at Trinidad, in Klamath county.

Location. SEC. 2. The said wharf to commence at the west point of what is known as Goat Rock, extending into the bay in a southerly direction so far as may be necessary to land freight from vessels on said wharf, free from the effects of surf.

Wharfage. SEC. 3. The owners of said wharf may charge and collect such wharfage for discharging and shipment of vessels, goods, and merchandise, as may, from time to time, be allowed by the board of supervisors of said county; *Provided*, the said wharf shall be constructed within one year from the passage of this act.

Limitation. SEC. 4. The privilege granted in this act shall be limited to the period of twenty-five years.

CHAP. CCLXXXV.—*An Act to provide for issuing Arms and Accoutrements to Colleges and Academies, for the use of the youth, and to prescribe the tactics to be used by them.*

[Approved April 23, 1858.]

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

Governor may issue arms, etc. SECTION 1. The Governor of this state may, upon presentation of petition, showing the number and age of the male youth

of any college or academy of learning in this state, issue to the trustees, or other managing agents, of such institution, the arms, ordnance, camp and garrison equipage, and other military property of this state, not to exceed one piece of light artillery and caisson, or forty stand of small-arms, with accoutrements and the side-arms, and camp and garrison equipage necessary to forty men, to any such college or academy, to be used by said youth, under the supervision of said trustees, or other managing agents, for their improvement in military science.

SEC. 2. Before issuing the property of the state referred to in section one, the Governor shall require of said trustees, or other managing agents, a bond on the part of the same, payable to the people of the state of California, in the penal sum of double the value of the property so required, conditioned, that they will safely keep, have in readiness for use, and return the same, if at any time required so to do by the Executive of the state, to supply public necessity, or on violation of any of the provisions of this act, which bond shall be duly approved as to the sufficiency of the security, by the county judge of the county in which said college or academy may be located.

SEC. 3. The said trustees, or other managing agents, having, by virtue of this act, obtained the property of the state, are required to organize said youth of the institution by them represented respectively, into companies, appointing therefrom, from time to time, the officers thereof, prescribe the hours and place of drill or encampment, and shall cause them to be taught such tactics only, as for the time being are prescribed by proper authority for the army of the United States. They shall annually, on or before the fifteenth of December, make return to the Quartermaster General, setting forth the number of scholars, and condition of that branch of the school, the kind and quantity of military property in their hands, of the state, and the condition thereof.

CHAP. CCLXXXVI—*An Act to audit and allow Certain Claims.*

[Approved April 23, 1858.]

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

SECTION 1. The claim of Saml. Deal, for arresting an escaped convict named Wm. Valentine, in one thousand eight hundred and fifty-five, the sum of one hundred and fifty-five dollars, is hereby audited and allowed.

The claim of the City Water-Works, for furnishing water to the capitol in the year one thousand eight hundred and fifty-six, the sum of two hundred and eighteen dollars, is hereby audited and allowed.

CHAP. CCLXXXVII.—*An Act to authorize the Judges of the Supreme Court to employ a Secretary.*

[Approved April 23, 1858.]

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

- Salary.** SECTION 1. The judges of the Supreme Court are hereby authorized to employ the services of a secretary whenever they may deem it necessary; *Provided*, that the amount expended for such purpose shall not exceed the sum of one hundred and fifty dollars per month.
- Services certified.** SEC. 2. The services performed under this act shall be certified by the judges of said court, or a majority of them; and the Controller of State shall draw his warrant upon the Treasurer as in other cases, in favor of the person or persons so performing such service.
- Money appropriated.** SEC. 3. The sum of eighteen hundred dollars is hereby set apart, and the same shall be paid out of any moneys in the general fund, not otherwise appropriated, to meet the expenses accruing under this act.

CHAP. CCLXXXVIII.—*An Act to authorize George H. Ensign and others, (owners of the Spring Valley Water-Works,) to lay down Water-Pipes in the public streets of the City and County of San Francisco.*

[Approved April 23, 1858.]

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

- Right granted.** SECTION 1. The said George H. Ensign and his associates, and their assigns, shall have the right, and the same is hereby granted to them and their assigns, to lay down distributing iron water-pipes in any of the public streets, ways, or alleys of the city and county of San Francisco; *Provided*, said pipes shall be so laid down as not to interfere with or obstruct any gas or water-pipes, of any other parties, laid down by authority of law for the purpose of introducing and furnishing fresh water for the supply of the inhabitants of said city and county of San Francisco; *Provided*, that to the extent of three thousand running feet of said pipes, be laid down, within one year from and after the passage of this act, and water furnished therefrom to such citizens along the line, street, or streets, where said iron pipes shall be laid down, as may elect to take the same; and the balance of said iron pipes to be laid down as soon thereafter as practicable.
- Not to interfere.** SEC. 2. Said streets, or ways, in which said iron pipes may be laid, to be placed in the same good order and condition by said Ensign, and his associates or assigns, as the same were before said pipes were laid down, at his or their costs and charge, and under the supervision of the superintendent of streets and highways, and to his satisfaction.
- Streets in good order.**

SEC. 3. The chief engineer of the fire department, under the direction of the board of supervisors of said city and county of San Francisco, shall have the right to tap any pipes so laid down, and connect hydrants therewith, and receive water therefrom, for the extinguishment of any fire, or fires, during the pendency of the same, free of charge, to the full capacity of said water-works, up to and until such time as water shall be introduced into said city and county by some other person, or persons, and thereafter said Ensign, and his associates, or their assigns, shall furnish, for fire and other municipal uses, their quota, or proportion, of whatever water may be produced by them, or may be introduced by any other person or persons.

Engineer to use water.

SEC. 4. The rate or price to be charged for water, with the exception mentioned in section three of this act, shall be fixed by five commissioners, two of whom shall be appointed by the board of supervisors and two by the parties named in section one of this act, and they shall choose a fifth, and the rates agreed upon and fixed by a majority of said commissioners shall be the rates charged and received; *Provided*, that the rates so established shall not be so low as to yield less than twenty per cent. per annum on the actual capital invested in said works. And whenever the said city and county of San Francisco shall become the owner of any other works for the supply of the said city with fresh water from any source, west or south of the charter-line of eighteen hundred and fifty-one, then the said city and county may also purchase all the works, appurtenances, and franchises, belonging to said grantees herein, or their assigns, as provided in section five. And if the said city and county shall not elect to purchase, as provided in this section, then the board of supervisors, if not otherwise provided for by law, may fix the rates for water, but shall not fix the rates of water supplied by the grantees herein, below the rates charged by the city and county for water delivered from the works of said city and county.

Rates fixed by commissioners.

SEC. 5. The city and county of San Francisco shall have the right, at any time, after the expiration of twenty years from the passage of this act, on giving six months' notice of their intention so to do, to purchase all the works, and the franchise hereby granted, belonging to said Ensign, his associates, or assigns, which may be in use for the purpose of supplying water to the people of said city and county, at their true value, to be determined by a board of commissioners, to consist of four persons, who shall be civil engineers, two to be designated by the then corporate authorities of said city and county, and two by owners of said water-works and property; and in the event of their disagreement, the said commissioners shall have the right to select a fifth commissioner, and the decision of a majority of said board shall be final.

Corporation right to purchase.

SEC. 6. The privileges herein granted to said parties, named in section one of this act, shall be limited to a period of thirty years.

Limited.

SEC. 7. Nothing in this act shall be construed so as to interfere with any existing rights of either the Mountain Lake or San Francisco City Water-Works Companies.

Previous rights.

SEC. 8. This act shall not take effect unless the parties named in section one shall, within sixty days after its passage,

Take effect.

duly organize themselves, in conformity with the existing laws regulating corporations, now in force in this state.

Act repealed. SEC. 9. All laws, and parts of laws, inconsistent with any of the provisions of this act, are hereby declared to be inoperative, so far as provision is otherwise made by this act.

CHAP. CCLXXXIX.—*An Act for the relief of C. Binney.*

[Approved April 23, 1858.]

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

Moneys appropriated SECTION 1. The sum of seventy-three dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying C. Binney, for articles of stationery furnished State Treasurer's and Quartermaster General's offices, in one thousand eight hundred and fifty-seven.

CHAP. CCXC.—*An Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison.*

[Approved April 24, 1858.]

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

Legal distances : SECTION 1. The distances established by this act shall be, and the same are hereby declared to be, the legal distances for which mileage shall be allowed to the capitol at Sacramento: First, For county treasurers settling their accounts; Second, For conveying the insane to the asylum at Stockton; Third, To sheriffs, for transporting prisoners to the state prison at San Quentin.

Alameda, SEC. 2. From the county seat of Alameda county to Sacramento, one hundred and thirty-five miles; to Stockton, one hundred and forty-five miles; to San Quentin, twenty miles.

Amador, SEC. 3. From the county seat of Amador to Sacramento, fifty-five miles; to Stockton, fifty-six miles; to San Quentin, one hundred and eighty-seven miles.

Butte, SEC. 4. From the county seat of Butte county to Sacramento, seventy-five miles; to Stockton, one hundred and twenty miles; to San Quentin, two hundred and five miles.

Calaveras, SEC. 5. From the county seat of Calaveras county to Sacramento, sixty miles; to Stockton, fifty miles; to San Quentin, one hundred and eighty miles.

Colusa, SEC. 6. From the county seat of Colusa county to Sacramento, seventy-five miles; to Stockton, one hundred and twenty-five miles; to San Quentin, two hundred and five miles.

Contra Costa SEC. 7. From the county seat of Contra Costa county to Sacramento, ninety miles; to Stockton, ninety miles; to San Quentin, forty-five miles.

SEC. 8. From the county seat of Del Norte county to Sacramento, four hundred and sixty-five miles; to Stockton, four hundred and sixty-five miles; to San Quentin, three hundred and sixty-five miles. Del Norte,

SEC. 9. From the county seat of El Dorado county to Sacramento, fifty miles; to Stockton, ninety-five miles; to San Quentin, one hundred and eighty miles. El Dorado,

SEC. 10. From the county seat of Fresno county to Sacramento, one hundred and ninety miles; to Stockton, one hundred and forty-five miles; to San Quentin, two hundred and seventy-five miles. Fresno,

SEC. 11. From the county seat of Humboldt county to Sacramento, three hundred and ninety miles; to Stockton, three hundred and ninety miles; to San Quentin, two hundred and sixty-five miles. Humboldt,

SEC. 12. From the county seat of Klamath county to Sacramento, four hundred and fifty miles; to Stockton, four hundred and fifty miles; to San Quentin, three hundred and fifty miles. Klamath,

SEC. 13. From the county seat of Los Angeles county to Sacramento, five hundred and fifty miles; to Stockton, five hundred and fifty miles; to San Quentin, four hundred and forty miles. Los Angeles,

SEC. 14. From the county seat of Merced county to Sacramento, one hundred and fifteen miles; to Stockton, seventy miles; to San Quentin, two hundred miles. Merced,

SEC. 15. From the county seat of Marin county to Sacramento, one hundred and thirty-five miles; to Stockton, one hundred and thirty-five miles; to San Quentin, three miles. Marin,

SEC. 16. From the county seat of Mariposa county to Sacramento, one hundred and forty-five miles; to Stockton, one hundred miles; to San Quentin, two hundred and thirty miles. Mariposa,

SEC. 17. From the county seat of Monterey county to Sacramento, two hundred and forty-five miles; to Stockton, two hundred and forty-five miles; to San Quentin, one hundred and thirty miles. Monterey,

SEC. 18. From the county seat of Napa county to Sacramento, sixty miles; to Stockton, one hundred miles; to San Quentin, fifty-five miles. Napa,

SEC. 19. From the county seat of Nevada county to Sacramento, sixty-five miles; to Stockton, one hundred and twenty-five miles; to San Quentin, one hundred and ninety-five miles. Nevada,

SEC. 20. From the county seat of Placer county to Sacramento, thirty-five miles; to Stockton, eighty miles; to San Quentin, one hundred and sixty-five miles. Placer,

SEC. 21. From the county seat of Plumas county to Sacramento, one hundred and forty-five miles; to Stockton, one hundred and ninety miles; to San Quentin, two hundred and seventy-five miles. Plumas,

SEC. 22. From the county seat of Sacramento ——— miles; to Stockton, forty-five miles; to San Quentin, one hundred and thirty miles. Sacramento,

SEC. 23. From the county seat of San Bernardino county to Sacramento, six hundred miles; to Stockton, six hundred miles; to San Quentin, four hundred and five miles. San Bernardino,

SEC. 24. From the county seat of San Diego county to Sacramento, San Diego,

mento, seven hundred and fifty miles; to Stockton, seven hundred and fifty miles; to San Quentin, five hundred and twenty-five miles.

San Joaquin, SEC. 25. From the county seat of San Joaquin county to Sacramento, forty-five miles; to Stockton, — miles; to San Quentin, one hundred and thirty miles.

San Luis Obispo, SEC. 26. From the county seat of San Luis Obispo county to Sacramento, three hundred and thirty-five miles; to Stockton, three hundred and thirty-five miles; to San Quentin, two hundred and twenty-five miles.

Santa Clara, SEC. 27. From the county seat of Santa Clara county to Sacramento, one hundred and fifty miles; to Stockton, one hundred and five miles; to San Quentin, eighty miles.

Santa Cruz, SEC. 28. From the county seat of Santa Cruz county to Sacramento, two hundred and forty-five miles; to Stockton, two hundred and forty-five miles; to San Quentin, one hundred and thirty-five miles.

Santa Barbara, SEC. 29. From the county seat of Santa Barbara county to Sacramento, four hundred and thirty-five miles; to Stockton, four hundred and thirty-five miles; to San Quentin, three hundred and thirty-five miles.

Shasta, SEC. 30. From the county seat of Shasta county to Sacramento, one hundred and eighty-five miles; to Stockton, two hundred and thirty-five miles; to San Quentin, three hundred and fifteen miles.

Sierra, SEC. 31. From the county seat of Sierra county to Sacramento, one hundred and ten miles; to Stockton, one hundred and fifty-five miles; to San Quentin, two hundred and forty miles.

Siskiyou, SEC. 32. From the county seat of Siskiyou county to Sacramento, three hundred and fifty miles; to Stockton, three hundred and ninety-five miles; to San Quentin, four hundred and eighty miles.

San Mateo, SEC. 33. From the county seat of San Mateo county to Sacramento, one hundred and forty miles; to Stockton, one hundred and forty miles; to San Quentin, forty miles.

Solano, SEC. 34. From the county seat of Solano county to Sacramento, ninety miles; to Stockton, ninety miles; to San Quentin, forty-five miles.

Sonoma, SEC. 35. From the county seat of Sonoma county to Sacramento, one hundred and thirty miles; to Stockton, one hundred and thirty miles; to San Quentin, forty miles.

Sutter, SEC. 36. From the county seat of Sutter county to Sacramento, fifty miles; to Stockton, ninety-five miles; to San Quentin, one hundred and sixty-five miles.

Stanislaus, SEC. 37. From the county seat of Stanislaus county to Sacramento, eighty-five miles; to Stockton, forty miles; to San Quentin, one hundred and seventy miles.

San Fran'co, SEC. 38. From the county seat of San Francisco county to Sacramento, one hundred and seventeen miles; to Stockton, one hundred and seventeen miles; to San Quentin, twelve miles.

Trinity, SEC. 39. From the county seat of Trinity county to Sacramento, two hundred and fifty-five miles; to Stockton, three hundred miles; to San Quentin, three hundred and eighty-five miles.

Tuolumne, SEC. 40. From the county seat of Tuolumne county to Sacra-

mento, one hundred and fifteen miles; to Stockton, seventy miles; to San Quentin, two hundred miles.

SEC. 41. From the county seat of Tulare county to Sacramento, two hundred and fifty miles; to Stockton, two hundred and five miles; to San Quentin, three hundred and thirty-five miles. Tulare,

SEC. 42. From the county seat of Tehama county to Sacramento, one hundred and forty-five miles; to Stockton, one hundred and ninety-five miles; to San Quentin, two hundred and seventy-five miles. Tehama,

SEC. 43. From the county seat of Yolo county to Sacramento, twenty miles; to Stockton, sixty-six miles; to San Quentin, one hundred and fifty-one miles. Yolo,

SEC. 44. From the county seat of Yuba county to Sacramento, fifty miles; to Stockton, ninety-five miles; to San Quentin, one hundred and eighty miles. Yuba,

SEC. 45. An act entitled an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, passed May fifteenth, one thousand eight hundred and fifty-four, is hereby repealed. Act repealed.

CHAP. CCXCI.—*An Act for the Government of the State Prison Convicts, and to provide for the location of a Branch Prison.*

[Approved April 24, 1858.]

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

SECTION 1. The Governor, Lieutenant Governor, and Secretary of State, are hereby constituted a board of directors, whose duty it shall be to take charge of the state prison at San Quentin, and have the management and control of state prison convicts. Board of directors.

SEC. 2. The board of directors shall, without delay, take into their possession the state prison grounds and buildings, and all the personal property appertaining thereto, and belonging to the state, and shall make a full and complete inventory of the same. Take possession of prison

SEC. 3. Said board shall have full and exclusive control of all the state prison grounds, buildings, prisoners, prison-labor, prison property, and all other things belonging or pertaining to said state prison. Exclusive control.

SEC. 4. The directors are authorized to employ a clerk, warden, and such other officers as they may deem necessary, for the proper management and safety of the convicts, and shall cause to be printed, such rules as they may adopt for the discipline and government of the prison, a copy of which shall be given to each and every officer appointed by the board. Clerk, etc.

SEC. 5. It shall be the duty of the clerk to keep a full and complete account, in a book kept for that purpose, of all the transactions of the board; and the wardens and other officers appointed by the directors shall make a monthly report to the board, which shall contain a correct statement of business and transactions done in their several departments, in the manner Duty of clerk

prescribed by the general rules and regulations adopted by the board of directors.

Branch
prison.

SEC. 6. The board of directors are hereby empowered to select a suitable place for the location of a branch of the state prison, and when such location shall be made, and it shall be on the property of any private citizen, the board shall purchase the same, and cause a good and sufficient deed thereof to be made to the state.

Remove
convicts.

SEC. 7. Whenever a site shall be chosen for a branch prison, as provided for in this act, and the property shall be duly conveyed to the state, the board shall, as soon as practicable, cause such a number of convicts as they may deem proper—first selecting those whose term of imprisonment is about to expire—to be removed from the state prison at San Quentin to the said branch site.

Appoint
officers.

SEC. 8. The convicts removed to the branch prison, pursuant to this act, shall be given in charge of such officers as the board may appoint for that purpose, and shall be subject to the general rules and regulations adopted for the government of the state prison convicts.

Account of
funds.

SEC. 9. The board shall keep a correct account of all funds they may receive from proceeds of convict labor, and shall appropriate such funds for the maintenance of the convicts, and to pay any expenses that may accrue in the performance of the requirements of this act, and shall make a full and detailed report to the Legislature on the first day of February, one thousand eight hundred and fifty-nine; said report to contain a complete statement of the number and condition of the state convicts, both at the state prison and the branch prison; the number and character of officers they may have appointed, and the monthly pay received by each; the amount of expenses they have incurred, and for what; the amount and condition of personal property, belonging to the state, connected with the state prison; and the actual condition of the buildings and property both at San Quentin and the branch prison.

Report.

Compensat'n

SEC. 10. The board of directors, as established by this act, shall each be allowed and receive the sum of seventy-five dollars per month, as a compensation for their expenses as such directors; *Provided, further*; that the Lieutenant Governor shall receive in addition to expenses as aforesaid, the sum of ten dollars per day for each day actually employed in the discharge of the duties imposed by the provisions of this act.

Prison fund

SEC. 11. Seventy-five thousand dollars are hereby appropriated, which, together with the proceeds received from convict labor, shall constitute a prison fund, and shall be applied for the payment of all expenses allowed by this act; nothing in this act shall be subject to the operation of an act to provide for the better protection of the state treasury, approved April sixteenth, one thousand eight hundred and fifty-six; but no warrant shall be by the Controller drawn upon the appropriation hereby made until the order of the directors shall be endorsed by the Treasurer, Attorney General, and Controller, or two of them, who are hereby constituted a board of examiners of state prison accounts.

SEC. 12. The board of directors created by this act, are prohibited from creating any debt or liabilities. Prohibition.

SEC. 13. Said board may allow the former lessee or sub-lessee, to remove any private property; *Provided*, said removal shall be done in such a manner as not to endanger the safety of the convicts; *And provided*, that the words private property shall not be held to extend to, or include any buildings or permanent improvements upon the state prison grounds, or in the immediate vicinity thereof; *And provided, further*, that if the said lessee or sub-lessee, shall fail or refuse to claim and remove said property within one month from the passage of this act, then the board may remove said property at any time. Form'r lessee to remove property.

SEC. 14. All laws and parts of laws, that conflict with this act, are hereby repealed. Act repealed.

CHAP. CCXCII.—*An Act for the relief of W. G. Poindexter.*

[Approved April 24, 1858.]

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

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of W. G. Poindexter, sheriff of Tulare county, for the sum of two hundred and eighty-one dollars and twenty-five cents, and the Treasurer of State is required to pay the same out of any moneys in the treasury, not otherwise appropriated. Warrant issued.

CHAP. CCXCIII.—*An Act fixing the Time at which the Clerk of the Supreme Court shall be elected.*

[Approved April 24, 1858.]

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

SECTION 1. At the general election in the year one thousand eight hundred and fifty-nine, and the general election every two years thereafter, the clerk of the Supreme Court shall be chosen by the qualified electors of the state, and shall hold his office for the term of two years from the first day of January, next after his election, and until his successor is qualified. Election in 1859.

SEC. 2. Section seven of an act entitled an act concerning offices, passed April twenty-eighth, one thousand eight hundred and fifty one, is hereby repealed, and all laws, or parts of laws, conflicting with the provisions of this act, are hereby repealed. Act repealed.

CHAP. CCXCIV.—*An Act concerning County Treasurers.*

[Approved April 24, 1858.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*Swamp-land
warrants.

SECTION 1. The Treasurer of the State is hereby authorized and directed to receive from the county treasurers of this state, all indebtedness of the state, received by them prior to the fifteenth day of March, one thousand eight hundred and fifty-seven, under the authority of sections four and five of the act of one thousand eight hundred and fifty-five, providing for the sale of swamp and overflowed lands, belonging to the state; *Provided*, Controller's warrants, received for taxes, by the treasurer of San Mateo county, prior to the fifteenth day of January, one thousand eight hundred and fifty-seven, shall be received from him by his complying with the section second of this act, not exceeding in amount five hundred dollars.

Affidavit.

SEC. 2. The State Treasurer shall require of all county treasurers, paying warrants under this act, to make an affidavit that such warrants were actually received by them for the purposes named in this act, prior to said fifteenth January, one thousand eight hundred and fifty-seven, said affidavits to be filed in the office of the State Treasurer.

CHAP. CCXCV.—*An Act to audit the Claim of Baker and Swinerton.*

[Approved April 24, 1858.]

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

SECTION 1. The claim of Baker and Swinerton, for stoves, furniture, and labor, furnished at the capitol building, in the year one thousand eight hundred and fifty-six, for the sum of two hundred and twenty dollars and sixty cents, is hereby audited and allowed.

CHAP. CCXCVI.—*An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State approved April twenty-ninth, one thousand eight hundred and fifty-seven.*

[Approved April 24, 1858.]

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

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

Delinq'nt list

Section fifteen—On or before the fourth Monday in November, the tax collector shall cause the delinquent list named in section fourteen to be published, giving, in said publication, the name of

the owner, (when known,) of all the real estate, and of all improvements together with such condensed description of the property, that it may be easily known, and also, a similar condensed description of any real estate, or improvements, assessed to unknown owners; and also, the name of every party delinquent for any tax on personal property; and also, opposite each name or description, give the amount of taxes, including the costs hereinbefore provided, due from each delinquent person or property. If a newspaper is published in the county, the publication, by this section required, shall be made by one insertion one time per week, for three successive weeks, in some paper published in the county, or in a supplement to such newspaper. But if there is no newspaper published in said county, then the publication shall be made by posting a written or printed copy of the list, in at least three conspicuous and public places in each township of the county; and in the counties of Santa Clara, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Los Angeles, San Bernardino, and San Diego, at least three notices in the Spanish language shall be posted in each township; said publication shall also designate the time and place of commencing the sale, which time shall not be less than twenty-one days, nor more than twenty-eight days from the first appearance of the publication, and the place shall be in front of the county courthouse.

Publication.

In Spanish.

CHAP. CCXCVII.—*An Act to amend an Act entitled "An Act to regulate Fees in Office in the County of Yuba," approved April twenty-eighth, one thousand eight hundred and fifty-seven.*

[Approved April 24, 1858.]

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

SECTION 1. Section three of the act of which this is amendatory, is hereby amended so as to read as follows: For entering each suit on the clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty-five cents. For issuing every writ or process under seal, fifty cents. For issuing subpoena for one or more witnesses, twenty-five cents. For filing each paper, twenty-five cents. For entering every motion, rule, order, or default, fifty cents. For entering every discontinuance, dismissal, or nonsuit, fifty cents. For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the court, twenty-five cents. For calling and swearing every jury, fifty cents. For receiving and entering each verdict of a jury, fifty cents. For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents. For filing judgment roll, fifty cents. For entering judgment on judgment docket, twenty-five cents. For entering satisfaction of judgment, fifty cents. For administering every oath or affirmation, twenty-five cents. For copy of any proceeding, record, or paper, for each folio, twenty-five cents. For every certificate under seal, fifty cents. For searching files of each year in his office,

Clerk's fees.

(but not to charge suitors or attorneys,) one dollar. For issuing every commission to take testimony, fifty cents. For taking down testimony of witnesses during the trial, for each folio, twenty cents, to be paid by the party requiring the same. For issuing every execution, or other final process, fifty cents. For issuing every decree or order of sale of mortgaged property, one dollar. For issuing writ of injunction or attachment, fifty cents. For entering judgment by confession, the same fees as in other cases of entering judgment. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking each bond required by law, fifty cents. For taking justification thereto, fifty cents. For acknowledgment of deed, or other instrument, including all writing, and the seal for each name thereto, one dollar. When the court is sitting as a court of criminal jurisdiction, he shall receive the same fees as are allowed in civil cases in the same court for all services rendered.

Criminal cases.

CHAP. CCXCVIII.—*An Act amendatory of and supplementary to an Act, approved March twelfth, one thousand eight hundred and fifty-eight, entitled an Act to further extend the Act concerning Corporations, passed April twenty-second, A. D. one thousand eight hundred and fifty.*

[Approved April 24, 1858.]

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

SECTION 1. The first section of said act is hereby amended so as to read as follows :

Benevolent purposes.

Section one—Any nine or more persons who may desire to act in concert for the care, protection, relief, or improvement of, first, orphans ; or, second, foundlings ; or, third, shipwrecked or destitute sailors ; or, fourth, sick, and disabled, or unprotected, or needy persons ; or for literary or educational purposes—and who shall desire to form an incorporated company, or society, for the protection of either of said benevolent or educational objects, may do so by complying with the provisions of chapter eight of the act concerning corporations, passed April twenty-second, A. D. one thousand eight hundred and fifty, and such benevolent and educational society, incorporated under the provisions of said act, as hereby extended, shall possess the same powers, be subject to the like liabilities, and enjoy the like privileges, as therein provided.

SEC. 2. The second section of said act is hereby amended so as to read as follows :

Women may incorporate.

Section two—Women, married or unmarried, may be incorporators, officers, and members, of benevolent, literary, or educational incorporations, for the purposes herein aforesaid, and may transact the business thereof in the same manner and subject to the same liabilities as males. But no married woman shall have power to contract or incur any liability therein against her husband, nor shall any husband be liable, in any manner, for any debt or liability in any manner contracted or incurred, nor shall

Limitation.

the common property of the husband and wife be in any manner affected by his wife becoming or acting as such corporator, except the same be specifically agreed to by the husband and wife, in writing.

SEC. 3. Any corporations formed under the provisions of said To hold land act shall have the right to acquire, by purchase or otherwise, and to hold, any quantity of land not exceeding five hundred acres, with the improvements thereon; or if within the limits of any incorporated town, then not to exceed twenty acres, with the improvements thereon.

CHAP. CCXCIX.—*An Act to repeal in part an Act entitled "An Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three, approved April twenty-eighth, one thousand eight hundred and fifty-seven.*

[Passed April 23, 1858.]

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

SECTION 1. The act entitled an act to amend an act entitled Act repealed for certain counties. an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May twelfth, one thousand eight hundred and fifty-three, approved April twenty-eight, one thousand eight hundred and fifty-seven, as far as it relates to the counties of Plumas, Sierra, Trinity, Siskiyou, Del Norte, Klamath, Butte, and Shasta, is hereby repealed.

[This bill having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, it has become a law, this twenty-third day of April, A. D. one thousand eight hundred and fifty-eight.

JOSEPH WALKUP, President of the Senate.
N. E. WHITESIDES, Speaker of Assembly.]

CHAP. CCC.—*An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain rights and privileges.*

[Approved April 24, 1858.]

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

SECTION 1. The said incorporated company, "The San Francisco and Marysville Railroad Company," are hereby authorized Railroad bridge. and granted the privilege of constructing and keeping, across the Sacramento River, on the line of their road, a railroad bridge, for the use and benefit of said road; *Provided*, said company shall construct the same with a good and sufficient draw, of not less Drawbridge. than forty feet in width, and so located and constructed as not

to interfere with or impede the navigation of said river. The said company is further authorized and empowered to construct and maintain a railroad bridge across Green Valley Creek, at or near the town of Cordelia, in Solano county, without a draw.

Land grant'd SEC. 2. The state of California, upon the express conditions hereinafter recited, all of which shall be fully complied with before this grant takes effect, grants to the said incorporated company one-half mile of the water-front on the northeast side of Napa Bay, or the Straits of Carquinez, which said half mile shall be in one body, and shall not interfere with the now existing rights or possession of any person, and shall be designated by the said company, by survey and plot; which survey and plot shall be recorded in the recorder's office of Solano county within sixty days from the passage of this act. A failure to make such survey and plot, and to record the same within the sixty days aforesaid, shall be considered, and shall work an entire forfeiture and avoidance of this grant. The state of California also grants to said incorporated company, subject to the same conditions and restrictions as aforesaid, together with such additional conditions as are hereinafter recited, one-half of all the overflowed and swamp lands lying within the counties of Sutter, Yolo, and Colusa, through which said road shall be constructed, and lying within the following boundaries, to wit: In the county of Sutter, between the mouth or sink of Butte Creek, and the junction of the Sacramento and Feather Rivers, and in Yolo and Colusa counties, between the town of Colusa and Knight's Landing, in Yolo county; the said lands to be designated by odd and even sections, according to the plan of the survey by the United States. The said grantees, after fully complying with all the conditions hereinbefore and hereinafter recited, to take the even sections and parts of sections, and the state to retain the odd sections or fractions of the same. This last mentioned grant, as aforesaid, shall be for the purpose of aiding in the construction of said road, and the reclamation of such swamp and overflowed lands. No title or right on or to said lands shall vest in said company by virtue of this grant, in any other manner or at any other time, than is herein provided, to wit: When said road shall have been completed from the city of Marysville to the Sacramento River, and the swamp and overflowed lands lying in Sutter county, and between the mouth or sink of Butte Creek, and the junction of the Sacramento and Feather Rivers, shall have been reclaimed from overflow, then said company shall be invested with, and have and hold, all the title of the state in and to the one-half of said last described tract of land, in conformity to the provisions aforementioned. Upon the completion of said road from the Sacramento River to the point on Cache Creek, in Yolo county, where said road shall cross the same, and the reclamation of all swamp and overflowed lands lying in the counties of Yolo and Colusa, and between the town of Colusa and Knight's Landing, in Yolo county, then the company shall be entitled to select the one-half of said last-mentioned and described land, in accordance with the provisions hereinafter recited. And thereupon the said company shall be invested with all the right and title of the state therein. And when the said road shall have been fully completed to the terminus there-

Survey, etc.

Swamp-land.

Alternate sections.

Invested with title.

of, on Napa Bay, or the Straits of Carquinez, and all the swamp and overflowed lands hereinbefore mentioned, shall have been fully and entirely reclaimed from overflow, then the grants herein made shall become absolute, and the company shall be invested with all the title of the state in and to the lands herein granted, subject, however, to the conditions of the next section of this act; *And provided*, that no portion of the swamp and overflowed lands lying on Napa Bay, or the Straits of Carquinez, except the one-half mile hereinbefore recited, shall be included within this grant. Proviso.

SEC. 3. If the said incorporated company shall fail to construct and complete their said road from the city of Marysville to the Sacramento River, and to reclaim the swamp and overflowed lands lying between the mouth, or sink of Butte Creek, and the junction of the Sacramento and Feather Rivers, within two years from the passage of this act, then, and in that event, all the grants, concessions, and privileges, hereby proposed to be granted, are declared to be revoked, and null, void, and of no effect, and if the said company shall fail to construct, and fully complete their said road, and reclaim all the swamp and overflowed lands, herein proposed to be reclaimed, within four years from and after the passage of this act, then, and in that event, the whole of the grants, concessions, and privileges, hereby proposed to be granted, are declared to be null, void, and of no effect; *And, provided, also*, that the total amount of swamp and overflowed lands, hereby granted, shall in no case exceed the amount of six hundred and forty acres of such land, to each mile in length of said road. In case of failure.

CHAP. CCCI.—*An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to incorporate the City of Sacramento," and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.*

[Approved April 24, 1858.]

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

ARTICLE I.

SECTION 1. For the government of that territory now known as the City and County of Sacramento, there shall be a board of supervisors; and the said board of supervisors, and their successors in office, shall be a body politic and corporate, under the name and style of "The City and County of Sacramento," and by that name they shall be known in law; may make, have, keep, alter, and renew a common seal, different and distinct from the seal of the county clerk; shall have perpetual succession; may sue in all courts, and in all actions whatsoever; may, under the limitations hereinafter provided, purchase and hold real estate, or personal property, and receive and hold the same, by legacy or donation, for the city and county, or in trust for the use of public schools, Consolidat'n of city and county.

or the fire department, or for a poor-house and indigent sick; and they may do all such other things, and exercise all such other powers, as by this act or by any other law are or may be granted or allowed to them to do; but the city and county shall not be sued in any action whatever, nor shall any of its lands, buildings, improvements, property, franchises, taxes, revenues, actions, choses in actions, and effects, be subject to any attachment, levy, or sale, or any process whatever, either mesne or final.

Exempt
from suits.

SEC. 2. The City and County of Sacramento is hereby made and constituted the successor of the corporation by this act dissolved, and heretofore known as "The Mayor and Common Council of the City of Sacramento." The lands, public and private buildings, property, rights of property, actions, rights of actions, moneys, revenues, income, and trust, now vested in, or belonging, or in anywise appertaining to the corporation known as "The Mayor and Common Council of the City of Sacramento," are hereby transferred to and vested in, and are declared to appertain and belong to the city and county of Sacramento, as hereinafter provided.

Vested rights

SEC. 3. The board of supervisors of the city and county of Sacramento, shall have, and they are hereby invested with powers, subject to the restrictions and limitations of this act, to sell, use, lease, control, and take care of the property of the city and county; to examine, reject, allow, liquidate, and pay any account, or any part of any account, presented against the city and county; to levy taxes and to cause the same to be collected; to make appropriations, examine and audit, reject or allow, the accounts of all officers or other persons having the care, management, collection or disbursement of any money collected for, belonging, appertaining, or appropriated to the state, or city and county, or to any of their uses or trusts; and to determine, allow, and pay the salary, fees, or per centage, which such officer or other person may by law be entitled to receive; to lay out, control and manage public roads, turnpikes, and bridges; to license ferries and bridges, under the laws regulating the granting of such licenses; to appoint road overseers; to provide a court-house, jail, work-house, poor-house, school-houses, and other necessary public buildings; to provide for the care, management and support of common schools, paupers, and indigent sick; to provide for the formation of a chain-gang, and the compulsory working therein of persons convicted of crime; to provide a house of refuge, for the proper care, treatment, and instruction of minors who may be convicted of crime in said city and county; to control, enlarge, and improve the cemetery heretofore belonging to the city, and to sell or lease lots therein, and to appoint a superintendent thereof, and to regulate and determine his duties and compensation; to build, alter, improve, keep, and repair, and have full control of the levee and water-front; to erect, repair, and regulate wharves and the rates of wharfage and levee dues, and to regulate the berth, landing, stationing and removing of steamboats, sail-vessels, rafts, barges, and all other water-craft; to divide the county into townships and supervisor districts, and to change the same and make new ones; *Provided*, that the city of Sacramento shall constitute but one township; *And, provided, further*, that no new township shall be created, nor any township

Board of
supervisors.

Powers:

line altered, within ninety days next preceding any general election; to establish and change election precincts and places of holding the polls, and appoint judges and inspectors of elections; *Provided*, that not more than three election precincts shall be established in any ward of the city, and that in other portions of the county, no precinct shall be established within a mile and a half of any other precinct; *And provided, further*, that no election precinct shall be established within thirty days next preceding any general or special election.

SEC. 4. The board of supervisors shall have the further power, subject to the limitations of this act, to make ordinances, not contrary to the constitution and laws of the state, and to impose a punishment of fine or imprisonment, or both, for breaches thereof; *Provided, however*, that no fine imposed by any ordinance, shall exceed the sum of five hundred dollars, and no imprisonment shall extend beyond the term of six months; *And provided, further*, that no punishment, either by fine or imprisonment, shall be inflicted for any breach or violation of any such ordinance, except ordinances in regard to vagrants, a work-house, a house of refuge, a chain-gang, a poor-house, common schools, a board of health, the cemetery, the levee, or levees, built or to be built in the county, and levy and harbor dues or wharfage, committed outside the limits defined and described as follows: Beginning at the junction of the American Fork with the Sacramento River; thence down said Sacramento River to Y street, as designated on the map or plan of Sacramento city, on file in the recorder's office in said city; thence along said Y street, east, to the point where said Y street intersects Thirty-first street, as designated on said map; thence along the said Thirty-first street until the same intersects the American Fork; thence along the American Fork to the place of beginning—the said boundaries extending to the middle of said Sacramento River and American Fork—which limits shall be taken and deemed to be the limits intended, included, and legislated for, whenever the term "city," or "city limits," is used in this act; and within said limits the board shall have the further power to determine what are nuisances, and to provide for their prevention and removal; to establish and regulate a police; to fix and collect a license tax on all theatres, shows, exhibitions, or other places of amusement, and on all trades, professions, and business; to regulate or prohibit houses of ill fame and places of prostitution; to regulate, restrain, or prohibit, theatrical or other amusements, shows and exhibitions; to establish a board of health, and to prevent the introduction and spread of disease; to open and regulate and fix the grade and width of streets and alleys, and provide for the construction of sidewalks; to establish and regulate markets; to provide for the prevention of fires, and to regulate the construction of buildings, sheds, awnings, and signs, and to regulate the landing and storage of gunpowder, camphene, burning-fluid, hay, straw, and every other species of combustible material; to sustain and regulate a fire department; to provide for supplying the city with water, and for lighting the streets, and to restrain and prevent riots; to provide for the arrest and compulsory working of vagrants; to license hackney coaches, cabs, omnibuses, and other vehicles used for hire, and

Ordinances.

Jurisdiction:
city limits.

to regulate their stands and rates of fare; to divide the city into wards, and to alter and change the same; *Provided*, that there shall not be more than seven wards created, and that no new ward shall be created, or any old ward be altered, or divided, within ninety days next preceding any general election.

Election of supervisors.

SEC. 5. On the first Monday in May next there shall be elected, by the legal voters of the county of Sacramento, by general ticket, and in the manner provided by law for the election of other county officers at the special election, five supervisors, whose term of office shall continue until the fifth day of October next, and until their successors are elected and qualified; and at the same time and manner, there shall be elected a president of the board of supervisors, whose term of office shall continue until the general election in the year one thousand eight hundred and fifty-nine, and until his successor is elected and qualified; which supervisors and president elected as herein provided, and the three supervisors of the county elected at the last general election, shall constitute the board of supervisors for the city and county of Sacramento until the next general election, as herein provided. On and after the first Monday of October, one thousand eight hundred and fifty-eight, the board of supervisors shall consist of a president and eight members, to be elected as hereinafter prescribed. Four members of said board, together with the president, or five members in case of the absence of the president, shall form a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members by such fine and penalties as the board, by ordinance, may determine.

President.

Quorum.

Open session.

SEC. 6. The sessions of the board shall be public, and the record of their proceedings, and the documents and papers belonging to their office, shall be open to public inspection during office hours.

ARTICLE II.—OFFICERS ELECTIVE AND APPOINTED.

City officials.

SEC. 7. The supervisors, as constituted by this act, at their first meeting, and quarterly thereafter, shall elect a clerk of the water-works, an engineer of the water-works, two stewards of the fire department, a chief of police, a lieutenant of police, who shall act as harbor-master, and not exceeding eight policemen; and the officers so elected shall each take the oath of office, and perform such duties as are imposed by this act, or which may be required by the supervisors, by ordinance; and they shall hold office for three months, and until their successors are elected and qualified, unless sooner suspended, tried, and removed, as is hereinafter provided.

Term of office

County officers.

SEC. 8. There shall be elected, at the general election, in the year one thousand eight hundred and fifty-nine, and every two years thereafter, in the manner provided for the election of other officers, the following: A sheriff; a county clerk, who shall be *ex officio* county recorder; a treasurer; a district attorney; a clerk of the board of supervisors, who shall be *ex officio* auditor; an assessor; a public administrator; a coroner; a surveyor; a superintendent of public schools; and a president of the board of supervisors; whose term of office shall continue for the period

of two years, and until their successors shall be elected and qualified. In each township in the county there shall be elected at the same time, and each two years thereafter, two justices of the peace, and two constables. In the township of Sacramento there shall be elected, at the same time, and in each two years thereafter, three justices of the peace, and three constables.

SEC. 9. It shall be the duty of the board of supervisors, as Districts for supervisors. herein constituted, at their first meeting, or as soon thereafter as is practicable, to divide that portion of the county outside the city limits, into four supervisor districts, and that portion within the city, into four supervisor districts, of equal population, as nearly as may be. In each of said districts, at the general election of one thousand eight hundred and fifty-eight, there shall be elected one supervisor; four of such supervisors shall hold office for two years, and until their successors are elected and qualified, and four of such supervisors shall hold office for one year from the date of the commencement of the term of office, and until their successors are elected and qualified; and to determine the years of their office, at their first meeting said supervisors shall decide by ballot the tenure of each; and annually thereafter, at the general election, there shall be elected four supervisors from the districts alternately. After the first election, and a settlement of their terms of office by ballot, as above provided, Tenure. the tenure of office of each supervisor shall be for the period of two years, and until their successors shall be elected and qualified. The board of supervisors shall select two of their number, who, together with the president of the board, shall constitute a board of equalization, and they shall perform such duties as are now, or may hereafter be, imposed by law.

SEC. 10. The sheriff shall perform such duties as now are or Sheriff, may hereafter be imposed by law or ordinance.

SEC. 11. The county clerk shall perform such duties as are County clerk now imposed on him by law, and such other duties as may hereafter be imposed by [law or] ordinance. He shall be *ex officio* county recorder, and perform all such duties as are now imposed by law on that officer, except the duties of county auditor

SEC. 12. The treasurer of said city and county shall receive Treasurer, and safely keep in a secure fire-proof vault, to be prepared for the purpose, all moneys belonging to, or which shall be paid into, the treasury, and shall not loan, use or deposit the same or any part thereof, with any banker or other person, nor pay out any part of said moneys, except upon demands authorized by law, and after they have been duly audited and ordered paid. He shall keep the key of said vault, and not suffer the same to be opened, except in his presence. At the closing up of the same, each day, he shall take an account, and enter in the proper book, the exact amount of money on hand; and at the end of every month he shall make and publish a statement in one of the daily papers published in the city of Sacramento, of all receipts into, and payments from, the treasury, and on what account. If he violate any of the provisions of this section he shall be considered a defaulter, and shall be deemed guilty of a misdemeanor in office, and he shall be liable to removal, and shall be proceeded against accordingly; if he loan or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply Statement, monthly.

- Penalty for dereliction. the same to his own use, or to the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of felony, and on conviction thereof shall suffer imprisonment in the state prison for a period not less than three nor more than ten years.
- Funds kept separate. SEC. 13. The treasurer shall keep the moneys belonging to each fund separate and distinct; and shall in no case pay demands chargeable against one fund out of moneys belonging to another. The said treasurer shall give his personal attendance at his office during office hours; and if he absent himself therefrom, except on account of sickness or urgent necessity, he shall lose his salary during such absence. For the purpose of collecting licenses, he may employ a deputy, whose compensation shall be fixed by the board of supervisors, at a rate not exceeding five dollars per day when necessarily and actually employed.
- Deputy.
- Attorney. SEC. 14. The district attorney shall perform such duties as now are or may be hereafter imposed by law or ordinance.
- Clerk of the supervisors. SEC. 15. The clerk of the board of supervisors shall be present at each meeting of the board, and keep a record of their proceedings, and shall have the care of all books and papers belonging to said board, and shall do and perform such other services as the board of supervisors may direct; and after his election and qualification for office in the year one thousand eight hundred and fifty-nine, as provided in this act, he shall be, *ex officio*, auditor of the city and county, and shall perform all the duties, and be subject to all the penalties which now are, or hereafter may be, imposed upon such officer by law or ordinance.
- Auditor.
- Demands. SEC. 16. Every demand upon the treasury, except the salary of the auditor, and including the salary of the treasurer, must be acted on by the board of supervisors, and allowed or rejected in the order of presentation, and must, after having been approved by the board of supervisors, before it can be paid, be presented to the auditor of the city and county, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury is authorized by law, and out of what fund. If he allow it, he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited, or paid, unless it specify each several item, date and value, composing it, and refer to the law, ordinance, contract, or authority, by title, date, and section, authorizing the same; *Provided*, that in all cases demands shall be paid in the order of their approval by the board of supervisors.
- Recording of demands. SEC. 17. The auditor must number and keep a record of all demands allowed by him, showing the number, date, date of approval, amount, and name, of the original holder, on what account allowed, and out of what fund payable. The demand of the auditor, on account of his monthly salary, may be audited and allowed by the board of supervisors. The auditor is required to be constantly acquainted with the exact condition of the treasury and every lawful demand upon it, and shall report to the president of the board of supervisors on the Monday of each week, or oftener, if required, the condition of each fund in
- Report.

the treasury. He shall keep a complete set of books for the city and county, in which shall be set forth, in a plain and business-like manner, every money transaction of the city and county, so that he can, at any time when requested, tell the state of each and every fund, where the money came from, to what fund it belonged, and how and for what purpose it was expended; and, also, the collections made, and the money paid into the treasury by each and every officer. He shall issue all licenses and permits, except as otherwise provided in this act, and countersign all warrants on the treasury. And until the general election, in the year one thousand eight hundred and fifty-nine, he shall receive, for his compensation, at the rate of three thousand dollars per annum, payable from the salary fund, as provided in section thirty-six of this act.

Books.

Licenses, etc.

Salary.

SEC. 18. No demand upon the treasury shall be allowed by the auditor, or approved by the board of supervisors, in favor of any person or officer in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody, or disbursement, of public funds, unless his account has been duly presented, passed, approved, and allowed, as required in this act; nor in favor of any officer who shall have neglected to make his official returns, or his reports, in writing, in the manner and at the time required by law or by the regulations established by the board of supervisors; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith, by the president of the board of supervisors, or the supervisor of his respective district.

Condition of demands.

SEC. 19. The assessor, public administrator, coroner, surveyor, and superintendent of public schools, shall perform all the duties which now are, or hereafter may be, required of such officers by law or ordinance.

Assessor, etc.

SEC. 20. The president of the board of supervisors shall preside at all sessions of such board, except he shall be necessarily absent; in which case some other member may be elected as president *pro tem*. He shall sign the minutes of each day's session of said board, after carefully examining their entry and having them read and approved in open board; sign all warrants drawn on the treasurer for the payment of money; preserving, in the book from which the warrant is taken, a memorandum of the date of its issuance, to whom it was issued, for what it was issued, the amount, and on what fund it was drawn; and before he shall sign such warrant, he shall ascertain from the books of the auditor, or clerk of the board of supervisors, that there is money enough in such fund to pay the same. And whenever the board of supervisors shall contract for any labor, material, or supplies of any kind, for the use of said city and county, whether for municipal or for general county purposes, such contract shall specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the current fiscal year; and in no case shall the aggregate liabilities created by the board against any fund provided in this act, exceed the revenues appli-

President to preside.

Warrants.

Contracts.

Liabilities,
excess null.

cable to such fund during the fiscal year in which such contracts or liabilities are made or created. All liabilities attempted to be created by said board of supervisors, contrary to the provisions of this section, shall be void as to such excess. The president of the board of supervisors shall have no vote in session of the board of supervisors, unless upon a tie vote; in which case he shall have the casting vote. He shall sign no warrant, authorizing the payment of money by the treasurer, until a copy of the order of the board of supervisors, allowing the amount and ordering the payment thereof, together with the account, have been submitted to the auditor, and his allowance endorsed on such order, unless the auditor shall refuse to audit and allow the same; in which latter case the order shall be presented to the board of supervisors, with the refusal of the auditor endorsed thereon; and unless the board shall order the issuance of such warrant, by a vote of two-thirds of all the members elected, the account shall be declared rejected, and no warrant shall thereupon issue; and if said auditor shall allow such account in part, a warrant shall issue only for such part, unless the board, by a similar two-thirds vote, allow a greater sum. Every order or ordinance, made or passed by the board of supervisors, before it shall take effect, shall be approved by the president of the board, by placing his signature thereto, with the word "approved," prefixed, and the date of such approval. If, upon the passage of any law, order, or ordinance, by the board, the president shall not approve the same, he shall, within five days after its presentation to him, state his objections to the passage of such law, order, or ordinance, in writing, to the board, and the clerk shall enter the same on their minutes; and at their next meeting the board shall proceed to consider the matter, as if no action had been taken; and if two-thirds of the supervisors elected shall be found voting in favor of the passage of such law, order, or ordinance, it shall become the law, notwithstanding the veto of the president; *Provided*, that if the president of the board shall neglect to approve, or state his reasons for not approving, as before provided, then such law, order, or ordinance, shall have full force and effect. He shall be *ex officio* judge of the violations of all laws or ordinances made by the board; may administer all oaths known to the law: may hold to bail, fine, or imprison, offenders, as such ordinances direct; *Provided*, that no fine shall be imposed exceeding five hundred dollars, nor imprisonment exceeding the term of six months. He shall be *ex officio* mayor of the city, superintendent of the streets and water-works.

Veto power.

Ex officio
offices.

Justices of
the peace.

SEC. 21. The justices of the peace shall perform all the duties that they now are, or hereafter may be, required to perform, by law, or ordinance of the board of supervisors; *Provided*, that, in the city of Sacramento, the justices of the peace shall, alternately, for one week each, during their term of office, hold a court, in some place to be provided for them by the board of supervisors, for the trial of such actions as are provided for in this act; and in case of the disability of the justice holding such court, the president of the board of supervisors shall designate one of the justices elected in the city, to supply his place; and while holding such court, shall have, in addition to their authority as justices of the peace, exclusive jurisdiction of all cases of misde-

meanor and willful injury to property, committed within the city limits, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months. They shall have final and exclusive jurisdiction in all cases of petit larceny; *Provided*, that the defendant shall have the right of trial by jury. They shall have exclusive jurisdiction of the following offences committed within the city limits: assault and battery, when the same has not been committed on a public officer, in the execution of his duty, nor with intent to kill, and all breaches of the peace which are not made punishable by ordinance of the board of supervisors.

SEC. 22. The constables shall perform all the duties that now Constables. are, or hereafter may be, required of them by law or ordinance; and those constables elected in the city in addition thereto, shall be *ex officio* police officers, and shall be invested with such power, and subject to such penalties and control as provided in this act.

SEC. 23. The officers elected at the general election in September, one thousand eight hundred and fifty-seven, for the county of Sacramento, shall each continue in office during the term for which they were elected, and until their successors are elected and qualified under this act. They shall perform, for the city and county, all the duties required of such officers in this act, and shall be subject to all penalties that now are, or hereafter may be, imposed upon them by law or ordinance of the board of supervisors. Officers continued in office.

ARTICLE III.—SALARIES AND FEES OF OFFICERS.

SEC. 24. All officers hereafter to be elected or appointed under Salaries, etc the provisions of this act, shall receive for their compensation at a rate per annum, respectively, as follows: To the county judge, three thousand dollars per annum; district attorney, two thousand five hundred dollars per annum; treasurer, three thousand dollars per annum; county clerk, three thousand dollars per annum; the sheriff, four thousand dollars per annum, and such necessary mileage as is allowed by law; assessor, two thousand dollars per annum; public administrator, fees as now or hereafter prescribed by law; coroner, fees as now or hereafter prescribed by law; surveyor, fees as now or hereafter prescribed by law; superintendent of public schools, one thousand dollars per annum; president of the board of supervisors, three thousand dollars per annum; clerk of the board of supervisors, two thousand five hundred dollars per annum; clerk of the water-works, one thousand five hundred dollars per annum; engineer of the water-works, one thousand five hundred dollars per annum; chief of police, two thousand dollars per annum; lieutenant of police, one thousand two hundred dollars per annum; policemen, and stewards of the fire department, one hundred dollars per month each; county clerk's deputies, not exceeding six in number, one thousand two hundred dollars per annum each, in the discretion of the board of supervisors; sheriff's deputies, not exceeding six in number, one thousand two hundred dollars per annum each, in the discretion of the board of supervisors; and to the assessor's deputies, not exceeding the number designated by the board

of supervisors, and while actually employed, three dollars *per diem* each; laborer at water-works, seventy-five dollars per month. The salaries of the president, members, and clerk of the board of supervisors, county auditor, and treasurer, shall be paid one-half out of the salary fund, provided in section thirty-five of this act, and one-half out of the salary fund, provided in section thirty-six. The salaries of the sheriff, county clerk, assessor, district attorney, county judge, and superintendent of public schools, shall be paid out of the salary fund provided for in section thirty-six of this act. All municipal officers shall be paid out of the salary fund, provided in section thirty-five of this act.

Incumbents' salaries.

SEC. 25. All officers elected at the general election in September, one thousand eight hundred and fifty-seven, and continued in office by this act during the term of their office, shall receive, respectively, such salaries and fees as are now allowed by law, except the justices of the peace and constables in the city of Sacramento, while attending to criminal business, for which the justices of the peace shall receive six dollars per day for each day's actual service when sitting as a criminal judge; and the constable shall receive for each day actually employed in arresting criminals, or attending on the justices of the peace while sitting as a criminal court, three dollars per day, and they shall receive no other compensation while acting in such capacity. All fees collected by them in criminal cases shall be paid into the treasury, as provided in this act.

Compensation of supervisors.

SEC. 26. The supervisors elected in accordance with the provisions of this act, and their successors in office, shall be allowed five dollars per day for each day's actual attendance at the meetings of the board, and mileage at the rate of twenty-five cents per mile in going only from their residence to the county seat; *Provided*, that no compensation for a longer time than six days, and one mileage to each month, shall be allowed; except, when acting as a board of equalization, they shall receive five dollars per day for each day's actual service.

ARTICLE IV.—GENERAL PROVISIONS.

SEC. 27. The county clerk, and all other officers charged with the duties of collecting fees, and who by this act shall be entitled to receive a salary, shall each keep a book, wherein shall be entered all the legal fees which he is entitled to charge, for any service by him or any deputy or clerk, rendered in an official capacity, except service rendered for the city and county, for which fees each officer severally, and their bondsmen, shall be chargeable; which said book shall be carefully added up on the Saturday of each week, showing the total amount, and a certificate shall be forthwith sent to the auditor, under oath, in the following words and figures, to wit:

SACRAMENTO, ———, 18—.

Certificate.

I, ———, county clerk, (or other officer, as the case may be,) of the city and county of Sacramento, do solemnly swear that the entire fees to which I, or any of my deputies or clerks, or any person, for my use or account, or for the use or account of any person connected with my office, were entitled to charge or receive for any official services rendered from the ——— day of

———, one thousand eight hundred and ——, to the —— day of ——, one thousand eight hundred and ——, amounted to the sum of —— dollars, and no more; that neither myself nor any deputy, clerk, or other person for me, has performed any service or services whatever, for which fees are authorized by law, (other than for services for the city and county,) that is not entered in my account-book, and charged and added up, to make the aforesaid sum.

The book or books herein provided to be kept, shall belong to ^{Inspection.} and be the property of the city and county, and shall be delivered over to the board of supervisors at the time the officer keeping the same shall go out of office. Such book shall always be open to the inspection of every person; and in any action against such officer, said book so kept by him may be used in evidence against him.

SEC. 28. Every officer, or other person, having the control, ^{Weekly settlement.} collection, or custody of any money collected for taxes, licenses, water-rents, fees of office, or for any other account not otherwise herein provided, shall pay the same into the treasury on the Saturday of each week; and shall on the same day file the treasurer's receipt with the auditor; and shall at the same time file with the auditor a statement, under oath, of the sources from whence the money came, and that the money so paid over is the total amount collected since his last payment; and such statement shall also be filed in duplicate with the clerk of the board of supervisors. If the county clerk, recorder, sheriff, clerk of water-works, harbor-master, or any other officer, or person, ^{Penalty for neglect.} having the control or custody of any money collected for, or belonging to, the state, or city and county, or any money collected for fees which this act provides shall be paid into the treasury, shall fail or neglect to pay over the fees or moneys collected by him, as required by the preceding section, or shall fail to make his affidavit—he shall forfeit his office; and it shall be the duty of the auditor to inform the president of the board of supervisors, in writing, of such failure; and at the next meeting of said board, after the said president shall receive such information, the said board shall enter an order requiring such officer to show cause, on a certain day, why such office should not be declared vacant; and, upon the return day of such order, or at such time as the matter may be adjourned to, they shall proceed to hear and determine the matter; and, if such officer shall be found guilty of such failure, his office shall be declared vacant.

SEC. 29. Whenever any vacancy occurs in any office, except ^{Vacancy.} that of county judge, the board of supervisors shall, by a majority vote of a full board, fill such vacancy until the next general election, and until the appointee's successor is elected and qualified.

SEC. 30. The board of supervisors shall have power to order, ^{Penal bonds.} and shall require any officer who may be intrusted with any of the public moneys, (or other officer,) under an ordinance of said board, to give a bond, in such penal sum as to them shall seem proper, *conditioned for the due performance of all their duties.* All official bonds shall be drawn as now provided by law. The amount of the penalty in the bond of the sheriff, county clerk, coroner, public administrator, justice of the peace, and consta-

bles, shall be as now provided by law. The penalty in all other bonds shall be fixed by the board of supervisors. Each officer shall be required to take the oath of office, which shall be endorsed on his official bond.

**Examina-
tion of bonds** SEC. 31. All official bonds shall be approved or rejected, as follows: *First*, By the board of supervisors, by an order entered on the minutes, and by endorsement of the word "approved," or "rejected," on the bond, with the date of approval or rejection, and signed by the president of the board. And, *Second*, By the county judge, who shall approve or reject, by endorsement thereon; and no person shall enter upon the duties of any office requiring an official bond, until such bond shall be properly approved and deposited with the proper officer. The clerk of the county shall be the legal custodian of all official bonds within the city and county, except the bond of the county clerk, which shall be kept by the clerk of the board of supervisors; and the county clerk shall be responsible, on his official bond, for the safe-keeping of all official bonds intrusted to his charge; and every neglect to comply with this act, when the same imposes a duty on such officer, shall be deemed a breach of the condition of his bond.

**Counting
the moneys.** SEC. 32. The president of the board of supervisors, in conjunction with the county judge and auditor of said county, shall, every month, examine the books of the treasurer and other officers of said county having the collection and custody of public funds, and shall be permitted, and it shall be their duty, to see and count over all the moneys remaining in the hands of such treasurer or other officer. If they ascertain clearly that such treasurer or other officer is a defaulter, or in any manner unable to attend to his duties, they shall forthwith take possession of all funds, books, and papers belonging to such office, and appoint a person to fill the same, until the said defaulting officer can be proceeded against according to law, which shall be done without delay. The person so appointed shall give bond and take the oath of office in the same manner as was required of the officer whose place he is appointed to fill. If the treasurer or other officer so charged as a defaulter, be acquitted thereof, or disability to perform his duties removed, he shall resume his duties.

Defaulters.

Fiscal year. SEC. 33. The fiscal year for the city and county shall commence on the first day of March in each year. All records, books, and papers, appertaining to the office of any and all public officers, as herein provided, shall belong to the city and county, and shall be delivered to their successors in office.

ARTICLE V.—REVENUE.

Taxes. SEC. 34. The board of supervisors shall not have power to levy any greater taxes than as follows, viz.: On the real and personal estate, except such as is exempt by law, throughout the city and county, a tax of one hundred cents on the one hundred dollars; such state taxes as the laws may require, and in addition thereto, they shall levy, for municipal purposes, on all real and personal property within the city limits, except such as is exempt by law, a tax of one hundred cents on the one hundred dollars; also, a tax for road purposes, of five cents on the one

hundred dollars, on the property outside the city limits. All of which taxes shall be levied and collected strictly in accordance with the revenue laws of the state, except as may be otherwise provided in this act; *Provided*, that nothing contained in this section shall prevent the board of supervisors from levying, in addition, a tax in accordance with an act passed February, one thousand eight hundred and fifty-eight, entitled an act to amend an act passed April twenty-seventh, one thousand eight hundred and fifty-seven, entitled an act to submit to the people of the counties of Sacramento and El Dorado, a proposition for the construction of a wagon road. Proviso.

SEC. 35. The revenue derived from and within the city limits, for municipal purposes, viz.: taxes, licenses, harbor-dues, water-rents, and fines collected in the mayor's court, or otherwise, when paid into the treasury, shall be set apart and appropriated as follows: fifty-five per cent. to an interest and sinking fund, which shall be applied to the payment of the annual interest and the final redemption of bonds issued for city indebtedness, in accordance with the provisions of this act; fifteen per cent. to a salary fund, which shall be applied to the payment of the salaries of municipal officers as provided in this act; eight per cent. to a school fund, which shall be applied to the support of schools within the city limits; and the balance, twenty-two per cent., to a fund to be used for all such necessary municipal expenses as are not otherwise provided for in this section, and shall be called the contingent fund. Revenue to various funds.

SEC. 36. The revenue collected or accruing prior to the first day of January, in the year one thousand eight hundred and fifty-nine, throughout the city and county, except such as may be collected for municipal purposes within the city limits, is hereby set apart and apportioned as follows, viz.: Twelve per cent. to a school fund, to be used for school purposes as provided by law; eight per cent. to the pauper and indigent sick fund; eighteen per cent. to the salary fund; twelve per cent. to the contingent fund; and the balance to a general fund, which shall be applied to the payment of the outstanding auditors' warrants lawfully drawn on the treasury, and payable in the order of their registry; and the revenue accruing and collected for the county, after the said first day of January, one thousand eight hundred and fifty-nine, when paid into the treasury, twenty-five per cent. shall go to the interest and sinking fund; ten per cent. to the school fund; eight per cent. to the pauper and indigent sick fund; twenty-five per cent. to the salary fund; and the balance, thirty-two per cent., to the general fund;—all of which shall be exclusively applied to the several purposes for which such funds were set apart; and if, at the close of any fiscal year, there shall remain a surplus in either of the funds mentioned in section thirty-five, such surplus moneys shall be transferred to the interest and sinking fund provided in such thirty-fifth section; and if a surplus shall be found, at the end of any fiscal year, in either fund mentioned in section thirty-six, such surplus shall be transferred to the interest and sinking fund mentioned in said thirty-sixth section, and any transfer of any sum or surplus from one of the funds mentioned in sections thirty-five and thirty-six, to another fund made at any other time, or in any other manner, than as School fund.
Sick fund.
Salary fund, etc.

provided in this act, is hereby strictly prohibited, and any violation of such provision, on the part of any officer, shall constitute a misdemeanor, punishable by fine of not less than five hundred dollars, or imprisonment in the county jail not less than three months. All money now in the treasury shall be appropriated as provided in this section.

ARTICLE VI.—PUBLIC DEBT OF THE CITY AND COUNTY.

County
bonds.

SEC. 37. For the purpose of liquidating, funding, and paying the claims against the city and county of Sacramento, hereinafter specified, the treasurer shall cause to be prepared suitable bonds of the county of Sacramento, not exceeding the sum of six hundred thousand dollars, and for the city of Sacramento, not exceeding the sum of one million six hundred thousand dollars, bearing interest at the rate of six per cent. per annum, from the first day of January, one thousand eight hundred and fifty-nine, and payable at the office of the treasurer. Said claims shall be funded in the order of their reception; shall, in the order of reception, be entitled to the shortest time; and one-fourth of the whole amount made payable on the first day of February, one thousand eight hundred and eighty-eight; one fourth on the first of February, one thousand eight hundred and ninety-three; one-fourth on the first of February, one thousand eight hundred and ninety-eight; and the balance on the first of February, one thousand nine hundred and three. The interest on said bonds shall be made payable at the office of the treasurer, on the first day of January of each year. Said bonds shall be signed by the president of the board of supervisors, countersigned by the clerk of the board of supervisors, and endorsed by the treasurer, and shall have the seal of the city and county affixed thereto. Coupons for the interest shall be attached to each bond, so that they may be removed without injury to the bond; said coupons, consecutively numbered, shall be signed by the treasurer. It shall be the duty of the book-keeper of the city and county, and the treasurer, each, to keep a separate record of all bonds issued, showing the number, date, and amount of each bond, to whom issued, upon what claim, and its amount; and none of the claims herein specified shall be liquidated or paid, except in the manner herein provided.

Interest.

Coupons.

Claims to be
funded.

SEC. 38. The following claims shall be received and funded under the provisions of this act: *First*, All legal debts or liabilities against the county of Sacramento, which may be unpaid and unprovided for by this act on the first day of January, one thousand eight hundred and fifty-nine. The annual interest and principal of all bonds issued for claims mentioned in this section, shall be paid from the interest and sinking fund, as provided in section thirty-six, and in the manner otherwise provided in this act. *Second*, All legal debts or liabilities against the city of Sacramento, which may be unpaid and unprovided for by this act, on the first day of January, one thousand eight hundred and fifty-nine. The annual interest and principal of all bonds issued for claims against said city, shall be paid from the interest and sinking fund, provided in section thirty-five, and in the manner otherwise provided in this act.

Sec. 39. Whenever, in any year, there remains in either of ^{Surplus.} the interest and sinking funds, mentioned in sections thirty-five or thirty-six of this act, a surplus of one thousand dollars, or more, after paying the interest in accordance with the provisions herein specified, it shall be the duty of the treasurer to advertise ^{Proposals for surrender of bonds.} for twenty days, in one of the daily papers published in the city of Sacramento, stating the amount in each fund to be disposed of, and that he will receive sealed proposals for the surrender of bonds issued under the authority of this act; said proposals to be opened in the presence of the president and clerk of the board of supervisors, five days after expiration of said published notice, and they shall accept the lowest public proposals, at rates not exceeding par value; as may redeem the greatest amount of bonds, until the amount of cash on hand, for redemption, is exhausted. All persons having claims against the county or city of Sacramento, entitled to be funded under the provisions of this act, shall, upon presentation of the same to the treasurer, receive in exchange therefor a bond or bonds of the city and county of Sacramento, as provided in this act; but no bond shall be issued for a less sum than two hundred dollars, nor for fractional parts of a hundred dollars, but the treasurer may issue certificates for such fractional parts, not bonded, which certificates shall be transferable and entitled to be funded as before provided.

Sec. 40. The treasurer shall endorse on the back of each claim ^{Claims to be endorsed.} received and liquidated, the date on which he received the same, and from whom, and the number of the bond exchanged therefor, and such claim shall be filed and preserved in the office of the clerk of the board of supervisors. It shall be the duty of the treasurer to pay the interest on said bonds, when the same falls due, out of said interest funds, as provided in this act.

Sec. 41. The claims specified in this act may be received for ^{Bonds to issue.} funding, and bonds therefor may be issued, prior to the first day of June, one thousand eight hundred and fifty-nine, but not afterward; all claims not presented for funding prior to that time, are excluded from the provisions of this act, and each blank bond prepared under the provisions of this act, as shall remain on hand, shall be destroyed in the presence of the treasurer, county judge, and the president and clerk of the board of supervisors.

Sec. 42. It shall be the duty of the president and clerk of ^{Registered.} the board of supervisors, to attend, at least once in each month, while such bonds are being issued, to examine all claims received by the treasurer, as aforesaid, and cause the same to be registered and canceled, in such manner as will prevent them from being re-issued or put in circulation.

Sec. 43. The treasurer shall keep full and particular record ^{Recorded by treasurer.} of all his proceedings, under article six of this act, and of the bonds redeemed and surrendered, and transmit a copy thereof, with his quarterly reports, to the board of supervisors.

Sec. 44. The board of supervisors shall allow for the neces- ^{Expenses.} sary expenditures incurred in issuing the bonds mentioned in section thirty-seven of this act, not exceeding the sum of one thousand dollars.

Sec. 45. The board of supervisors, or either of them, shall ^{No debt to be contracted.} not, nor shall any other person, have power to contract a debt

against the city and county, for any purpose, or under any pretext whatever.

County
exempt from
city liability

SEC. 46. No tax levied and collected on property outside the city limits, shall ever be used for the payment of the city debt, or for any municipal purpose within the city limits. And any revenues that may be derived from the sale or rent of any property heretofore belonging to the county of Sacramento, shall be paid into the funds provided for county purposes; and any revenues which may be derived from the sale or rent of any property heretofore belonging to the city of Sacramento, shall be paid into the funds provided for municipal purposes; and hereafter it shall not be lawful for the board of supervisors to lease any property, belonging either to the city or county, for a longer term than two years; and no property belonging to other parties shall be leased or rented for the use of said county and city, for a longer period than two years, unless sanctioned by the consent of every member of said board.

Leases.

ARTICLE VII.—STREETS AND HIGHWAYS.

Improvements assessed to adjoining property.

SEC. 47. In the public streets already laid out by lawful authority, opened and graded, within the limits of said city of Sacramento, or which shall hereafter be laid out, opened and graded, as provided in this act, the paving, planking, sewerage, and repairs of every kind, shall be assessed upon and done at the equal expense of the adjacent lots on each side of said streets, each separate owner being at liberty and being required, under the direction of the president of the board of supervisors, to do, or cause to be done, at his own expense, the work, repairs, and improvements, in front of his own premises, to the centre of the street. The expense of all such work, improvements, and repairs, upon each street-crossing, or the space formed by the junction of two or more streets, shall be assessed with equality upon each quarter block adjoining and cornering upon the same; each distinct lot, or part of a lot, included in such quarter being separately assessed for its equal proportion. For that purpose, all the blocks shall be considered as divided into quarters, by straight lines running through the centres of them, and running parallel with each of the streets bounding said blocks. In cases where the blocks are of irregular shape, and not bounded by parallel streets, so that they cannot be equally divided in that manner, the expense of constructing and repairing crossings, or that portion of them adjacent to such irregular shaped blocks, shall be assessed as aforesaid with equality upon the lots in the whole block. The space formed by the junction of two streets terminating at the same point, if such a case should occur, shall be planked, paved, and kept in repair, at the equal expense of the lots fronting thereon, and the contiguous quarter blocks.

Street-crossings.

Grading.

SEC. 48. Where any street is located, but not yet graded, the board of supervisors, when they shall deem it expedient, may order the whole, or any portion thereof, to be graded, after notice of their intention, published in some daily newspaper printed in said city, for the period of ten days, unless the owners of one-third in extent of frontage of lands and lots bounded on such street, or portion of a street, so proposed to be graded, shall have

made written objection thereto, and delivered the same to the clerk of the said board of supervisors within the said period of ten days.

Sec. 49. If the owners of more than two-thirds in extent of frontage of land and lots fronting on any street, or portion of a street, not yet graded, or their duly authorized agent, shall petition the board of supervisors, in writing, to open and grade the same, the signatures of the petitioners being verified by their acknowledgment before a justice of the peace, in the form required by law for the acknowledgment of deeds, the said board of supervisors shall order the same to be done; but, in such case, they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly comprehend more than two-thirds of said owners, as in this section required. No order or permission shall be given to grade any street, or portion of a street, without extending and completing such grading throughout the whole breadth of such street, up to the boundary of the sidewalk thereof.

Sec. 50. The total amount of the expense of grading any street [or portion of a street] under the provisions of this act, shall be assessed upon, and borne with absolute equality, by all the lands fronting thereon, and in proportion to the frontage, at a rate per foot sufficient to cover such total expense of the work; and the contract therefor, and also all contracts for work authorized to be done upon street-crossings, shall, in all cases, be given to the lowest bidder offering adequate security, and shall be given without security to the owners of the lands and lots, or the quarter part thereof, in extent of frontage, which are liable to be assessed therefor; *Provided*, they offer to take the same at as low a rate as any others, offering adequate security; and if the owner or owners of any lot, or part of a lot, shall have filled in whole or in part, the street opposite thereto, at his own, or at their own expense, such owner or owners shall be entitled to an allowance therefor upon his or their assessment, at the same rate per cubic yard as shall be paid for filling such street, whenever, for that purpose, an assessment shall be made.

Sec. 51. Before giving out any such contract, the board of supervisors shall cause notice to be conspicuously posted at the court-house door, and inserted in one of the daily newspapers published in said city, for a period of ten days, inviting sealed proposals for the work contemplated, to be handed in to the board of supervisors, who shall open, examine, and publicly declare them, in open session, and thereupon the contract shall be awarded at the lowest price offered, according to the provisions of the next preceding section; *Provided*, that the lot-owners, or the major part, as specified in said section, liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days of such award, elect to take the contract for the price it has been awarded at. The president of the board of supervisors shall be authorized, in his official character, to enter into written contracts for work upon streets and street-crossings ordered to be done, and awarded or taken by the said owners, according to the provisions of this article.

Sec. 52. The assessment for all improvements on street-crossings, or space formed by the junction of two or more streets, shall

be taken from the assessment roll of the year in which the improvements are made, and the value of the land shall be only assessed for such purposes. When required by the president of the board of supervisors, the assessor shall make a list which shall state value, per centage, or assessment per foot, as the case may require, for each separate parcel of land liable for improvements made, or about to be made, a duplicate of which shall be handed to the auditor and treasurer, on receipt of which, the treasurer shall cause a copy to be published in some daily newspaper for five successive days, also stating when such assessment will become due, and that he will be ready on that day to receive such taxes; at the end of twenty days after such taxes shall become due and payable, the treasurer shall make a return to the president of the board of supervisors of all such taxes as may remain unpaid; thereupon the president of the board of supervisors shall issue his warrant, directed to the sheriff of the county, briefly setting forth the delinquent assessment or assessments remaining unpaid, the names of the owner or owners, if known, and an accurate description of the property liable therefor, and commanding the sheriff to collect the amount of such delinquent assessment remaining unpaid, with such fees as are allowed, and in the manner provided for the collection of delinquent taxes or assessments in this act.

Delinquents

ARTICLE VIII.—WORK-HOUSE AND JAIL.

Warden.

SEC. 53. The board of supervisors of the county of Sacramento, are hereby authorized to construct and establish a work-house, in connection with the jail of said county, and may appoint a suitable person, and fix his compensation, who shall be known as the warden of the county jail, with such powers and duties as the board of supervisors shall direct, in addition to those prescribed by law. So much of the act concerning sheriffs, passed April twentieth, one thousand eight hundred and fifty-one, as is contained in sections three, seventeen, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, forty-one, forty-two, fifty-two, and fifty-three, shall apply to the office of warden of the county jail, and all laws, rules, regulations, and responsibilities pertaining to the sheriff, as custodian of the prisoners in the county of Sacramento, shall attach to the office of said warden; *Provided*, that the warden shall only be required to receive or deliver persons in custody at the gates of the jail, except when otherwise provided by proceedings under *habeas corpus*.

Proviso.

ARTICLE IX.—FIRE DEPARTMENT.

Officers.

SEC. 54. The fire department of the city of Sacramento shall consist of a chief engineer, two assistant engineers, a president, vice president, secretary, treasurer, a board of delegates, a board of trustees, and such organized companies as are at present in the department, with the power to increase their number to ten, in manner as hereinafter provided.

Elections.

SEC. 55. There shall be an election annually, on the first Monday in August, for chief engineer, and first and second assistant

engineers; said election to be called by the president of the board of delegates of the fire department, by giving ten days' notice in two or more of the daily newspapers; and if the president of said board should fail to call such election within the stated time, it shall be lawful for the vice president of said board to call an election therefor, by giving five days' notice in two or more of the daily newspapers published in the city. The polls shall be held at such place as the board of delegates may designate, and shall be kept open from twelve o'clock at noon, until half-past six o'clock in the evening, under the inspection of three judges appointed by the board of delegates, each from a different company, who shall have power to administer oaths and affirmations at said election. The person receiving the highest number of votes for chief engineer, shall be declared elected. The person receiving the highest number of votes for assistant engineer shall be first assistant engineer; and the person receiving the next highest number of votes, shall be second assistant engineer. When a vacancy occurs in the office of chief engineer, the president of the board of delegates of the fire department shall call an election, as heretofore provided; and in case the president of said board should fail to do so, it shall be the duty of the vice president of said board to call an election, as heretofore provided, to fill such vacancy; but when a vacancy occurs in the office of first assistant engineer, the officer next below in rank shall take the vacant office, and an election shall be ordered, as above set forth, to fill the vacancy in the lower office. All contested elections for engineers shall be decided by a vote of the board of delegates, and should a tie vote occur in the office of assistant engineer, the rank of the same shall be decided by a vote of said board. The election term for each engineer shall be for one year, or until his successor is elected and qualified.

SEC. 56. Each and every company, at its stated meeting in the month of July, in every year, shall elect two of its members as delegates to the board of delegates of the fire department of Sacramento, which board shall consist of two representatives from each fire company, who shall be sworn to faithfully discharge the duties of their office. They shall have power to elect and define the duties of a president, vice president, secretary, treasurer, a board of trustees of the charitable fund of the department, and such other officers as they may from time to time deem necessary. They shall have power to make all laws for the government of the fire department, and all laws made by them shall be binding on every company and member of the department; any engineer, company, officer, or member of the department, who shall violate any of said laws, or who shall refuse to obey the lawful orders of the chief or other engineers, shall, upon complaint, be tried by the board, and, if found guilty, be censured, suspended, removed from office, or expelled from the fire department, as the judgment of the board may direct. They shall have power to summon any member of the department to attend and testify in any case where an officer or member of the department is charged with having broken its laws; and any officer or member of the department who shall disobey such summons may be suspended or expelled from the department, as the judgment of the board may direct. They shall examine the re-

turns, and declare the result of all engineers' elections, and give them their certificates of office. The salary of the chief engineer shall be two thousand dollars per annum, payable from the salary fund provided in section thirty-five of this act, and he shall be *ex officio* fire warden. The salary of the secretary of the board of delegates shall be one thousand dollars per annum, payable from the salary fund provided in said section thirty-five, and he shall be *ex officio* fire warden, and also *ex officio* clerk of the board of trustees of the charitable fund of the department.

Affirmations SEC. 57. The president and secretary of the board of delegates of the fire department shall, in all business relating thereto, have power to administer oaths and affirmations.

Companies, members, etc SEC. 58. The officers of a company shall consist of a foreman and at least one assistant foreman, a secretary, and a treasurer. It shall require at least fifteen persons, twenty-one years of age, to compose a company, all of whom must have signed the constitution of the same previous to their petition for admission, and they shall forward a copy of their constitution, together with the names of their officers and men, and their residences, the situation in which they wish to locate, and a petition for admission into the fire department, to the board of delegates, whose duty it shall be to determine whether such addition is required by the department. Whenever the board, by a majority vote of all its members, shall decide to recommend the admission of a company, it shall be the duty of the secretary of the board to forward to the board of supervisors a certificate of such recommendation, together with the petition of the company, the constitution of the same, the names of the officers and men, and their residences, and the location desired. If such recommendation shall receive the approval of the board of supervisors, the company shall be declared admitted into the fire department, and shall be furnished with an engine or fire-apparatus, and a house suitable for receiving the same, by the board of supervisors, and no petition for admission of any company shall be entertained by the board of supervisors until it shall have received the recommendation of the board of delegates.

Disbanded. SEC. 59. Whenever an engine or hook and ladder company, by reason of deaths, resignations, or expulsions, shall have reduced its roll to less than fifteen active certificate members, and a hose company to less than ten active certificate members, it shall be the duty of the secretary to notify the chief engineer and the foreman of the company of the fact, and it shall be the duty of the chief engineer to report the condition of such company to the board of delegates at their first regular meeting; and the board shall then declare whether such company shall be disbanded or continue in the fire department, to be decided by a majority vote of the members composing the same.

Work and supplies. SEC. 60. The board of supervisors shall have sole power to order work and supplies for the fire department. All proposals for the same shall be opened by the chief engineer, in presence of the committee on fire and water of the board of supervisors, and be by them, without unreasonable delay, awarded to the lowest responsible bidder or bidders. All work done for, and supplies furnished, said department, shall be under the supervision of the chief engineer, and he shall certify all bills for such

work and supplies. The board of supervisors shall pay, quarterly, to each fire-company in Sacramento city and county, the sum of fifty dollars for contingent expenses. Contingents.

SEC. 61. The chief engineer shall report to the board of supervisors quarterly, in the months of October, January, April, and July, the number, location, and condition of cisterns, hydrants, fire-engines, and other fire-apparatus, and the state of fire-company houses, and all property of the city in the keeping of the said department; also, all accidents by fire that may have taken place in the city, with the causes thereof, as well as they can be ascertained, and a description of the property destroyed or injured, with the names of the owners of the same; also, such other information, and such recommendation as he may deem proper. Quarterly reports.

SEC. 62. All fines collected under any fire laws or ordinances of the city shall be appropriated to the fire department charitable fund. They shall be paid to the treasurer of the city and county, who is hereby authorized and instructed to pay over the same to the treasurer of the fire department charitable fund, taking his receipt therefor, which shall be deposited in the office of the clerk of the board of supervisors. Fines to charitable fund.

SEC. 63. It shall be, and it is hereby, made the duty of the president of the board of supervisors, to draw his warrant on the treasurer for the sum or sums that may be due to any officer or member of the fire department, as provided in this act; and it shall be, and is hereby, made the duty of the treasurer to pay such warrants, on presentation. Warrants.

SEC. 64. The chief engineer, the president, and secretary of the board of delegates of the fire department of the city of Sacramento, are hereby authorized and empowered to sign all certificates of persons who are entitled to exempt certificates, in accordance with the provisions of an act of the Legislature, entitled an act to exempt firemen from militia service and jury duty, passed March twenty-fifth, one thousand eight hundred and fifty-three. Certificates of exempt'n.

ARTICLE X.

SEC. 65. The treasurer shall keep a "city school fund," separate and distinct from all other funds, into which fund shall be paid all moneys appropriated to the city schools under the provisions of section thirty-five of this act, all moneys received from the state on account of the city schools' share of any apportionment of state school funds, and the city's proportion of all county moneys collected or set apart for school purposes. City school fund.

SEC. 66. Neither the board of supervisors nor the auditor shall allow any claim payable out of the city school fund, unless such claim shall have been first audited by the board of education. Board of education to control.

SEC. 67. Whenever any claim against the city school fund has been audited and allowed, in conformity with the requirements of this act, it shall be and it is hereby made the duty of the president of the board of supervisors to draw his warrant, or warrants, for the same, whenever there shall be moneys in the treasury applicable to such demands, as provided in this act. Warrants.

SEC. 68. The public schools within the limits of the city shall City schools.

be governed and controlled, in conformity with the laws and ordinances regulating them, by a board of education.

School
directors.

SEC. 69. At the general election, in the year one thousand eight hundred and fifty-eight, and annually thereafter, the qualified electors of each ward within the city, shall elect two persons to serve as school directors, which persons so elected, shall constitute the board of education; and each of them shall qualify on or before the first Monday of the month next succeeding his election, and shall hold office one year, and until his successor is elected and qualified. From the date this act takes effect, until the first Monday in October, one thousand eight hundred and fifty-eight, P. W. Rayle, Davidson Murray, H. J. Bidleman, Dr. G. L. Simmons, Samuel Cross, and Dr. R. A. Pearis, shall compose the board of education, and shall have all the powers and perform all the duties that are by this or any other act, or by ordinance, conferred or imposed upon the board of education.

Ad interim
board of
education.

Officers of
board.

SEC. 70. The board of education shall organize by electing one of its members president, and another, secretary. A majority of all the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absentees by such fines and penalties as the board, by its by-laws, may prescribe. The board of education shall have power: *First*, To establish common schools and school districts within the limits of the city, and to fix the boundaries of such districts; *Provided, however*, that not more than three districts be established. *Second*, To make, establish, and enforce rules and regulations, not contrary to law or ordinance, for the improvement and progress of the public schools, the government of the teachers and scholars therein, and for the effectual carrying out of the provisions of the laws and ordinances relating to the subject of education. *Third*, To fix the salaries or compensation, and to employ and dismiss teachers. *Fourth*, To require that every teacher, previous to being employed by the board, shall be rigidly examined before the board, or a committee of its members appointed for that purpose; and also that every applicant, before he or she is examined, shall, if the board deem it necessary, furnish satisfactory evidence of his, or her, good moral character. *Fifth*, To grant a certificate, signed by the president and secretary, of the qualification in respect to moral character, ability, and fitness, and in what department, to each person, who shall, after the examination, be deemed entitled to the same; and at any time, after giving the party interested an opportunity to be heard, to revoke and recall such certificate for good cause, of which cause the board shall be sole judge. The president shall be the executive officer of the board, and shall preside at its meetings, and shall perform such other duties as the board may direct. The secretary shall receive a salary of six hundred dollars per annum, payable monthly, out of the city school fund; he shall keep a correct record of all the proceedings of the board; shall have the custody of all papers and documents belonging to it; and shall perform such other duties as may be, either by law, ordinance, or order of the board, imposed on him. The president and secretary may be removed by a majority of

Powers.

Salaries.

the votes of all the members elect, given at a regular meeting of the board.

SEC. 71. The board of education, and each of its officers and members, shall perform such additional and other duties, as may be by law or ordinance imposed upon them, or either of them; but no member or officer of the board, except the secretary, shall receive any compensation for his services. Additional duties.

SEC. 72. All warrants drawn by the mayor of the city of Sacramento upon the treasury, in accordance with the charter and ordinances of said city, which shall remain outstanding and unpaid, on the fifteenth day of May, one thousand eight hundred and fifty-eight, shall be receivable for all delinquent taxes which may remain due said city on the said fifteenth day of May, one thousand eight hundred and fifty-eight; and such warrants as may remain unredeemed on the twentieth day of September, one thousand eight hundred and fifty-eight, shall be paid from the interest and sinking fund provided in section thirty-five, in this act; *Provided*, that the amount so used from said interest and sinking fund shall not exceed the sum of fifty thousand dollars. Warrants receivable for delinquent taxes.

SEC. 73. An act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an act to incorporate the city of Sacramento; an act passed May third, one thousand eight hundred and fifty-two, entitled an act to authorize the mayor and common council of the city of Sacramento to contract for supplying the city with water; an act passed April twenty-sixth, one thousand eight hundred and fifty-three, entitled an act to extend, and to better define the powers and duties of the city council of the city of Sacramento, and to authorize the establishment of free schools in said city; an act passed April tenth, one thousand eight hundred and fifty-four, entitled an act authorizing the mayor and common council of the city of Sacramento to issue city bonds for certain purposes; an act passed May tenth, one thousand eight hundred and fifty-four, entitled an act to authorize the mayor and common council of the city of Sacramento to levy and collect a special tax for the redemption of the bonds of said city; an act passed March thirty-first, entitled an act to amend, and supplementary to an act entitled an act to incorporate the city of Sacramento, passed March, one thousand eight hundred and fifty-one; an act passed April nineteenth, one thousand eight hundred and fifty-five, entitled an act supplementary to an act entitled an act to amend, and supplementary to an act entitled an act to incorporate the city of Sacramento, passed March, one thousand eight hundred and fifty-one; an act passed April second, one thousand eight hundred and fifty-six, entitled an act to regulate the fire department of the city of Sacramento; an act amendatory of and supplementary to an act to incorporate the city of Sacramento, passed March, one thousand eight hundred and fifty-one, approved April twenty-seventh, one thousand eight hundred and fifty seven; are hereby repealed. Previous acts repealed.

SEC. 74. "The City and County of Sacramento" is hereby exempted from the operation of all laws, or parts of laws, conflicting with the provisions of this act. Exempted.

SEC. 75. This act shall take effect on the first day of May, one Take effect.

thousand eight hundred and fifty-eight, except as is otherwise herein provided.

CHAP. CCCII.—*An Act for the relief of D. L. Mulford.*

[Approved April 24, 1858.]

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

Money ap-
propriated.

SECTION 1. The sum of two hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the claim of David L. Mulford, sheriff of Calaveras county, for arresting and conveying to the state prison Benjamin Doyle, an escaped convict.

CHAP. CCCIII.—*An Act to audit Certain Claims.*

[Approved April 24, 1858.]

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

SECTION 1. The claim of Daniel McLaren, for services as draughtsman in the Surveyor General's office, from the seventeenth day of August, one thousand eight hundred and fifty-six, to the first day of January, one thousand eight hundred and fifty-seven, the sum of seven hundred and eighty-eight dollars, is hereby audited and allowed. And the claim of T. B. W. Stockton, for services as draughtsman in the Surveyor General's office, for the months of April and May, one thousand eight hundred and fifty-six, the sum of three hundred and seventy-six dollars, is hereby audited and allowed. And the claim of Leander Ransom, for township plats furnished the Surveyor General's office, in the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six, the sum of one thousand four hundred and twenty-one dollars and seventy cents, is hereby audited and allowed. And the claims of the Pacific Sentinel newspaper, for advertising, one dated June fourteenth, one thousand eight hundred and fifty-six, for one hundred and twenty-five dollars—and one November eighth, one thousand eight hundred and fifty-six, for three dollars and fifty cents, is [are] hereby audited and allowed.

CHAP. CCCIV.—*An Act to authorize the Guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their Real Estate at Private Sale.*

[Approved April 24, 1858.]

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

SECTION 1. The guardian of Dionisio Rodriguez, Isabella Rod-

riguez, and Dolores Rodriguez, minor children of José Antonio Rodriguez, deceased, and heirs of the estate of Sebastian Rodriguez, deceased, late of Santa Cruz county, is hereby authorized to sell at private sale, the interest of each one of said heirs, or any part thereof, in the tract of land in the county of Santa Cruz, known as the "Rancho Bolso del Pajaro;" *Provided*, that after such sale the guardian shall report the same to the judge of the probate court having jurisdiction, and if the judge shall be of opinion that the land has been sold for a fair compensation, and that such sale is for the best interest of the wards, he shall make an order confirming such sale or sales, and directing such guardian to execute deeds for the property sold.

Auth'riz'd to
sell property

Approval of
sale.

SEC. 2. The deed or deeds made under this act shall convey to the purchaser or purchasers such title as such heirs, and each of them, have or may have, in and to the lands described in such deeds; but no sale under this act shall be valid until the same shall be approved by said probate judge, and the guardian shall be liable, on his official bond, for the faithful application of all money received from any sale authorized by this act.

Valid deeds.

CHAP. CCCV.—*An Act for the relief of the County of Santa Barbara.*

[Approved April 24, 1858.]

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

SECTION 1. The claim of the county of Santa Barbara, for the sum of one thousand four hundred and sixty-four dollars and seventy-one cents, being the state's portion of the expenses for assessing and collecting revenue for the years one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, in said county, and paid by said county under an improper apportionment, is hereby audited and allowed.

Claim
allowed.

CHAP. CCCVI.—*An Act for the relief of certain Persons.*

[Approved April 24, 1858.]

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

SECTION 1. The sum of fifty dollars is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying Claiborne Hubbard for services rendered as porter in the Treasurer of State's office for the month of January, one thousand eight hundred and fifty-seven. And the sum of thirty-five dollars and fifty cents, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying Samuel B. Jacques, for services as a witness where the state was a party, in one

Hubbard,

Jacques,

thousand eight hundred and fifty-seven. And the sum of twenty-four dollars is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying D. & J. Maddux for rent of room for committee, in one thousand eight hundred and fifty-seven. And the sum of seven dollars and fifty cents is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying the Sonoma [Sonora] Herald for papers furnished the Assembly in one thousand eight hundred and fifty-seven. And the sum of fifty-seven dollars and fifty cents is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying the Pacific Sentinel, for advertising, dated February nineteenth, one thousand eight hundred and fifty-seven.

Maddux,

Herald,

Pacific
Sentinel.

CHAP. CCCVII.—*An Act to audit Certain Claims.*

[Approved April 24, 1858.]

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

Binney,

SECTION 1. The claim of C. Binney, for stationery furnished Controller's office in one thousand eight hundred and fifty-six, the sum of two hundred and thirteen dollars, is hereby audited and allowed. And the claim of Claiborne Hubbard, for services as porter in State Treasurer's office, for the months of October, November, and December, one thousand eight hundred and fifty-six, the sum of one hundred and fifty dollars, is hereby audited and allowed. And the claim of Platt and Forbes, for publishing proposed amendments to the constitution in the Sierra Democrat, in one thousand eight hundred and fifty-six, the sum of twenty-six dollars, is hereby audited and allowed.

Hubbard,

Platt &
Forbes.

CHAP. CCCVIII.—*An Act supplementary to an Act entitled "An Act to fund the Debt of Sutter County, and provide for the payment thereof," approved May seventeenth, one thousand eight hundred and fifty-three.*

[Approved April 24, 1858.]

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

Bonds to
issue.

SECTION 1. It shall be the duty of the treasurer of Sutter county, upon presentation to him of any warrant, or warrants, drawn by the auditor of Sutter county on the county treasurer thereof, prior to the first day of March, A. D. one thousand eight hundred and fifty-three, to issue a bond, or bonds, to the holder of such warrant, in accordance with the provisions of section five of the act to which this is supplemental; *Provided*, such warrant, or warrants, be presented to said treasurer for funding, before the first day of October, A. D. one thousand eight hundred and fifty-eight.

CHAP. CCCIX.—*An Act to authorize the Executors of the Last Will and Testament of Imanuel C. Christian Russ, deceased, to sell Real Estate of the testator at Private Sale.*

[Approved April 24, 1858.]

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

SECTION 1. That G. Frederick Mebius, and Adolphus G. Russ, executors of the last will and testament of Imanuel C. Christian Russ, late a resident of the city of San Francisco, deceased, be, and they, and any, and each of them, are hereby authorized and empowered to sell such portion or portions of the real estate of which the said Imanuel C. Christian Russ died seized or possessed, in the state of California, and any right, title, or interest in such real estate, belonging to said decedent in his lifetime, as may be sufficient to pay the debts outstanding against the estate of said testator, the allowance to his family, and the expenses of administration, at such time or times, on such terms, and in such a manner, whether at public or private sale, as shall be most advantageous to the said estate; *Provided*, that when any sale is made under and by virtue of the authority given by this act, at least one-third of the purchase-money shall be paid at the time of such sale, and the balance upon such credit as the said executors may deem expedient to give, not exceeding one year. And the purchaser or purchasers shall secure the purchase-money remaining unpaid, by note and mortgage on the property sold, bearing interest at the rate of at least one per cent. per month.

Auth'ized to
sell property

SEC. 2. The said executors shall make a full report of any and all such sale or sales as shall be made by them, or any or either of them, respectively, to the probate court of the county of San Francisco; and the judge of said court shall examine the same and confirm or set aside the said sale or sales, as in other cases of sales of real estate by executors or administrators.

Report of
sales.

SEC. 3. The said executors, and any and each of them, are hereby authorized, upon the confirmation of any such sale or sales as is hereinbefore provided, and the compliance on the part of the purchaser or purchasers, with the terms of such sale or sales, as set forth in section one of this act, to execute, acknowledge, and deliver to the said purchaser or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said Imanuel C. Christian Russ in his lifetime.

Valid deeds.

SEC. 4. An act entitled an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate of the testator at private sale, passed March thirteenth, one thousand eight hundred and fifty-eight, is hereby repealed.

Act repealed.

CHAP. CCCX.—*An Act to authorize the issuance of a Duplicate for a certain lost Controller's Warrant.*

[Approved April 24, 1858.]

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

Duplicate to
be issued.

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State in favor of the treasurer of Yuba county, payable out of the hospital fund, for the sum of four hundred dollars and fifteen cents, that being the amount of a certain warrant drawn by the said Controller, in favor of Yuba county, on the hospital fund, and receipted for by S. P. Wells. Said warrant was drawn on the nineteenth day of June, eighteen hundred and fifty-seven, and numbered three thousand six hundred and forty-four.

Sureties.

SEC. 2. The duplicate Controller's warrant provided to be issued, in section one of this act, shall have the word duplicate written across the face of it, in red ink. Before said duplicate shall be issued to the said treasurer of Yuba county, the Controller of State shall demand and receive, from said treasurer, a bond of indemnity in double the amount of said warrant, with two or more sureties thereon, who shall justify as sureties on official bonds, as are now by law required. Said bond shall be payable to the state of California, conditioned against the appearance or presentment for payment of the original Controller's warrant hereinbefore named, which is represented to be lost.

CHAP. CCCXI.—*An Act to re-locate the County Seat of Solano County, by the qualified Voters of said County.*

[Approved April 24, 1858.]

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

By ballot.

SECTION 1. The qualified voters of Solano county shall, at the general election in September, eighteen hundred and fifty-eight, elect by ballot some point or place to be the county seat of Solano county.

Form.

SEC. 2. The form of ballot to be used at said election shall be as follows: "For county seat," naming the place voted for; and the said ballots shall be counted at the same time, and in like manner, as those cast for officers to be chosen at the said election.

Returns.

SEC. 3. The returns of the votes so cast for a county seat of said county, shall be made to the county clerk of said county, in the same manner as provided by law for the election of officers at the general election.

Declare the
vote.

SEC. 4. After the returns shall have been made and canvassed, it shall be the duty of the board of supervisors of said county, to declare that place which shall receive a number of votes equal to a majority of all the votes cast, to be the county seat of Solano

county; and shall cause the same to be certified to the Secretary of State.

SEC. 5. If, at any such election, there shall not be a number of votes cast equal to a majority of all the votes cast, for any one point or place, the county seat of said county shall remain at its present location. No choice.

SEC. 6. The county clerk of said county shall give at least thirty days' notice of such election, which shall be posted up in at least three of the most public places in each election precinct in said county, which notice shall state the manner of voting. Notice.

SEC. 7. If, at such election, any point or place, other than the city of Benicia, shall have been selected as the county seat of said county, then, and in that event, it shall be the duty of the board of supervisors of said county, within thirty days after the declaring of the result of such election, to make an order, and cause the same to be entered upon the records of the board, requiring the county clerk of said county, (who is *ex officio* county recorder and clerk of the board of supervisors,) the sheriff, and treasurer of said county, to safely transfer all the office and other furniture belonging to said county, and all records, papers, books, and maps pertaining to the district, county, and probate courts, courts of sessions, county records, and county treasurer's office, to the point or place so selected, and shall pay to such officers a reasonable compensation for the necessary expenses of such removal. Transfer of records, etc.

CHAP. CCCXII.—*An Act to repeal the Sixth Section of an Act entitled an Act concerning the Receipts and Expenditures of the State, approved February seventh, one thousand eight hundred and fifty-seven.*

[Approved April 24, 1858.]

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

SECTION 1. The sixth section of an act entitled an act concerning the receipts and expenditures of the state, approved February seventh, one thousand eight hundred and fifty-seven, is hereby repealed. Act repealed.

CHAP. CCCXIII.—*An Act to prevent the further immigration of Chinese or Mongolians to this State.*

[Approved April 26, 1858.]

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

SECTION 1. On and after the first day of October, A. D. one thousand eight hundred and fifty-eight, any person, or persons, of the Chinese or Mongolian races, shall not be permitted to enter this state, or land therein, at any port or part thereof, and it shall be unlawful for any man, or person, whether captain or Prohibition.

commander, or other person, in charge of, or interested in, or employed on board of, or passenger upon, any vessel, or vessels, of any nature or description whatsoever, to knowingly allow, or permit, any Chinese or Mongolian, on and after such time, to enter any of the ports of this state, to land therein, or at any place, or places, within the borders of this state, and any person or persons violating any of the provisions of this act, shall be held and deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine in any sum not less than four hundred dollars, nor more than six hundred dollars, for each and every offence, or imprisonment in the county jail of the county in which the said offence was committed, for a period of not less than three months, nor more than one year, or by both such fine and imprisonment.

Penalty for dereliction.

Separate offences.

SEC. 2. The landing of each and every Chinese or Mongolian person, or persons, shall be deemed and held as a distinct and separate offence, and punished accordingly.

In case of accident.

SEC. 3. Any captain or commander, or any person owning an interest in, or being employed upon, any vessel, or vessels, having on board any Chinese or Mongolians, which may be, by storm, or distress, or other unavoidable accident, driven ashore upon any of the coasts of this state, or within any of the ports of this state, and from which any of said Chinese or Mongolians may be landed within this state, shall not be held liable under the provisions of this act; *Provided, however*, the fact of it being an unavoidable necessity, or accident, be fully shown to the satisfaction of the court, or judge, having the hearing of said case before him; *And provided, further*, that said person or persons having charge of, or being employed upon, or being interested in, any vessel, or vessels, thus driven ashore upon any of the coasts of this state, and from which any Chinese or Mongolians shall be landed, shall, immediately thereafter, use all due diligence in their power to cause each and all of said Chinese or Mongolians to be immediately reshipped, or in other ways conveyed from within the borders of this state, which fact shall also be made to appear to the satisfaction of the court, or the judge having the hearing of the same.

Proviso.

Publication.

SEC. 4. It shall be the duty of the Secretary of State, as soon as practicable after the passage of this act, to cause the same to be translated into the Chinese language, and shall cause one thousand copies of the same to be published in said language, for distribution among the Chinese residents in this state; and the sum of five hundred dollars is hereby set apart out of any funds in the treasury, not otherwise appropriated, to defray the cost of said translation, publication, and distribution; and it shall also be the duty of the Secretary of State to furnish a translated copy of this act to each of the commercial agents of the United States in the ports of China.

CHAP. CCCXIV.—*An Act to amend An Act entitled "An Act concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six.*

[Approved April 26, 1858.]

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

SECTION 1. An act entitled "an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six, is hereby amended, so as to read as follows :

Section one—The public administrator of the counties of Nevada, Sacramento, Monterey, Amador, Humboldt, and Tehama, shall hereafter be entitled to receive, for his services, the same fees as are allowed executors and administrators by an act entitled "an act to regulate the settlement of estates of deceased persons," passed May first, one thousand eight hundred and fifty-one. Fees of administrator.

CCCXV.—*An Act concerning Roads and Highways in and for the Counties of Tuolumne and Alameda.*

[Approved April 26, 1858.]

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

SECTION 1. All roads in the counties of Tuolumne and Alameda shall be considered as public highways, which are now used as such, and have been declared such by order of the court of sessions or board of supervisors, or which may be declared such hereafter, by the board of supervisors within their respective counties; *Provided*, that nothing in this act shall apply to any incorporated city or town within the counties named. Roads to be highways.

SEC. 2. Applications for location, alteration, or discontinuance of highways in the above-named counties, shall be made by petition in writing, to the board of supervisors, at any of their regular meetings, and the petition shall plainly state the point at which such location, alteration, or discontinuance shall commence, and where it shall terminate. Petition.

SEC. 3. The board of supervisors, when they are satisfied that the petitioners are citizens of the county, shall cause notice to be given to the parties owning the land, or in possession thereof, over which such road is to be located; and if objections by one or more of the owners, or one or more of the persons in possession, shall be made, the board of supervisors shall proceed to hear the parties and their testimony; and if they shall judge the same to be of common convenience and necessity, they shall direct the county surveyor to view out said road and locate the same; they shall estimate the damages, if any, that each or Objections. Damages.

either of the petitioners may be entitled to by reason of said location or alteration.

Surveyor's
return.

SEC. 4. The county surveyor shall make a correct return of his doings, with an accurate plan or description of said highways so laid out, altered, or discontinued, to the regular session of the board of supervisors to be held next after such proceedings shall have been had, and the clerk of said board of supervisors shall duly record the same.

Proceedings

SEC. 5. Whenever the return of the county surveyor shall have been recorded, as provided in the preceding section, the board of supervisors may, if they deem the same expedient, declare the same a public highway, and at the time of such declaration, the supervisors shall cause to be entered of record that the original petition upon which their proceedings are founded, is continued until their next regular session, and all persons aggrieved by their decision in estimating damages, shall present their petition for redress at said regular session; and if no such petition be then presented, the proceedings upon the original petition shall be closed, and so entered of record, and all claims for damages not before allowed, shall be forever barred.

Final decis'n

SEC. 6. If any such petition be presented, as aforesaid, for increase of damages, the supervisors shall still further continue the original petition, from term to term, until a final decision shall be had on such petition for increase of damages, as hereinafter provided; after which, the record of the proceedings on said original petition shall be completed, and not before.

Controversy

SEC. 7. Any party aggrieved by the doings of the supervisors, in estimating damages, may have a jury to determine the matter of his complaint, on his petition, presented pursuant to the second section of this act. In case of controversy, respecting the interests of any party claiming damages as aforesaid, the said jury shall have power to consider and determine such question of interests, so far only as respects the damages of such complaint.

Joining of
petitions.

SEC. 8. If two or more persons shall apply, at the same time, for joint or several damages, they may join in the same petition to the supervisors; and if several applications shall be pending at the same time, before the supervisors, for a jury relative to the same highway, the said supervisors may, at their discretion, cause all such applications to be considered and determined by the same jury, at the same time; and the costs shall be taxed, either jointly or severally, as the supervisors shall determine to be equitable.

Jury.

SEC. 9. The warrant for the jury shall be directed to any constable of any township where said road is located, if disinterested, or to the coroner, as the supervisors may direct, requiring him to summons a jury of six men to hear and determine the matter of the complaint set forth in the petition for such jury, and to decide all such matters as may legally come before them at such hearing.

Challenge &c

SEC. 10. It shall not be lawful for the officer thus authorized, to select any person for the jury who shall reside within three miles from the place where the road is located, or altered; and the petitioner, or petitioners, shall have the right to challenge three of the jurors thus selected, without cause, who shall be set

aside. The jurors shall be selected, summoned, and returned, as in other cases, excepting that they need not be summoned more than twenty-four hours before the time appointed for their attendance.

Sec. 11. If, by accident, or challenge, there shall happen not to be a full jury, the officer who summoned the jury, or in his absence, the officer attending the jury, shall return some suitable person, or persons, to supply the deficiency.

Insufficient
number.

Sec. 12. In all cases of petitions for increase of damages, as aforesaid, on account of any highway, where the damages are liable to be assessed on the county, the district attorney for the county where such highway is situated, shall be duly notified of such application, and shall be authorized to act in behalf of the county. It shall be required of the officer, in his warrant, to give reasonable notice to the said attorney, and it shall be his duty to attend the jury in behalf of his county. The warrants shall also specify the other parties interested, whom said officer shall be required to notify, as aforesaid.

Attorney
shall appear
for county.

Sec. 13. The supervisors, if they see cause, may appoint some person, especially qualified for the purpose, to preside at the hearing before the jury, who shall be under oath, and shall be allowed a reasonable compensation from the county, to be fixed and allowed by the board of supervisors. The jury shall also be attended by some officer qualified, as aforesaid, to summon jurors for the purpose, and who shall preside at the hearing, if no other person is specifically appointed. The person who shall preside at the trial shall keep order therein, and shall administer an oath to the jurors for the faithful discharge of their duties, and to all the witnesses examined, in the usual form.

President.

Sec. 14. The jury shall view the premises, and also hear and examine all such legal evidence as may be laid before them, with the observation of the parties, or their counsel, thereon.

Evidence.

Sec. 15. If the jurors agree upon a verdict, they shall all sign the same, and it shall be enclosed in a sealed wrapper, with an endorsement expressing what it contains, and shall be delivered, so endorsed, to the officer having charge of the jury. The verdict shall be returned to the session of the board of supervisors, next following the finding of the jury. The officer shall make returns of his doings, with the verdict, and specify his own travel and attendance, and that of each juror. If the jury do not agree upon a verdict, the supervisors may order a new trial, and issue a new warrant, at their next session, on motion of the original petitioner.

Verdict.

Sec. 16. The verdict of the jury, duly returned to the board of supervisors, and by them recorded, shall be conclusive on the parties, and the proceedings on the original petition shall be considered completed. The party prevailing shall recover their costs, incurred on the occasion, against the other.

Costs.

Sec. 17. All damages awarded to any person or persons, on account of the laying out, altering, or discontinuance of any highway, under the provisions of this act, shall be paid out of the road fund, by the treasurer of the county in which such highway is located.

Damages.

Sec. 18. It shall be the duty of the board of supervisors of each of the counties named in this act, to divide the same into a

Road district

suitable number of road districts, and they may alter the same from time to time, at pleasure.

Road tax.

SEC. 19. The board of supervisors shall have power, and it shall be their duty, to levy a road tax of three dollars per annum on all able-bodied men between the age of twenty-one and fifty years; and they shall levy a property tax each year, which shall not exceed fifteen cents on the one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected; *Provided*, that the provisions of this section, so far as it relates to the road tax, shall not apply to any of the incorporated cities or towns within the counties named in this act.

Road fund.

SEC. 20. The property tax so levied shall be collected by the sheriff, or collector of the county, in the same manner as in the collection of other taxes, and he shall pay the moneys over to the treasurer as fast as collected, to the credit of the road fund, taking the treasurer's receipt for the same.

Apportion
the moneys.

SEC. 21. The board of supervisors shall apportion the moneys in the treasury belonging to the road fund, from time to time, among the several districts, as they may deem proper and just, for the purpose of building bridges, or the making, or repairing of roads. They shall, also, have power, if they deem it necessary, for the protection of any public bridge or causeway, to place upon the same a legible sign, forbidding all persons with teams, or carriages, from traveling over the same faster than a given rate, and they shall enter a notice of the same upon their record.

Road com-
missioners.

SEC. 22. The county surveyor, in each of the counties named in this act, is hereby made road commissioner for his county, and he shall give a bond to secure the payment of such moneys as he may receive under the provisions of this act.

Overseers, &c

SEC. 23. It shall be the duty of the road commissioner to appoint annually, or whenever vacancies may occur, an overseer for each road district in the county, who shall be sworn into office, and give bonds to the satisfaction of the board of supervisors for the faithful discharge of his duties; he shall notify them of their appointment, and he shall have power to remove the same at pleasure. It shall further be his duty to have the general supervision of the roads and bridges in his county; and he shall cause the moneys appropriated to each district to be expended upon the roads and bridges therein, if necessary. He shall cause all the public highways in the respective districts, to be kept in good repair, causing banks to be graded, bridges and causeways to be made, where necessary, and he shall keep the same in good repair, and renew the same when destroyed. He shall have power to make use of any gravel, stone, or dirt, for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands, and the board of supervisors may allow such damages, if there be any, to the owners of said lands, as they may deem just; *Provided*, that the said supervisors shall be liable to pay damages to the county at the suit of any citizen, if it shall be proved that they have allowed extraordinary or extravagant damages.

Report.

SEC. 24. The road commissioner shall, at every regular meeting of the board of supervisors, make a report of the state of the

roads and bridges in the county, with any recommendation he may deem expedient, and he shall, at the same time, report the amount of moneys in his hands unexpended, stating to what districts they may belong, and on or before the first day of October of each year, he shall pay over to the treasurer, to the credit of the road fund, any and all moneys remaining in his hands, and shall, at the next meeting of the board of supervisors thereafter, deliver to them the delinquent lists, as provided in section twenty-eight of this act.

SEC. 25. The road commissioner shall receive for his services, while in actual employment, such compensation as shall be allowed by the board of supervisors, not to exceed five dollars per day. Compensat'n

SEC. 26. The road taxes for road purposes, shall be collected by the overseers in their respective districts, and any person preferring to pay his road tax in labor, may do so, at the rate of two dollars per day. Labor.

SEC. 27. The road overseers shall cause all the highways within their respective districts, to be kept clear from all obstructions; they shall notify all persons within their districts, liable to pay road tax, of the amount of their tax, and the time they intend to work, at least three days before the time of such working; and they shall perform the labor, and expend the moneys in their hands, at the several places and in the manner designated by the road commissioner. Overseers' duty.

SEC. 28. The overseer, in each district, shall report quarterly to the commissioner the amount of money collected and paid out by him, and to whom paid, and for what, the number of days he has been in actual service; and on or before the fifteenth day of September, in each year, he shall pay over to the commissioner all moneys remaining in his hands; at the same time he shall make and report to the commissioner a list of every delinquent within his district, and shall make an affidavit before a justice of the peace, that his report and delinquent list is correct, to the best of his knowledge and belief; and any person refusing or neglecting to pay the road tax, for road purposes, as provided in this act, to the overseer, on or before the said fifteenth day of September, in each year, shall be considered a delinquent. Delinq'nt list

SEC. 29. The overseers shall receive for their services, while in actual employment, such compensation as shall be allowed by the board of supervisors, not to exceed four dollars per day. Compensat'n

SEC. 30. Upon the return, by the commissioner, of the delinquent lists, as heretofore provided, the clerk of the board of supervisors shall deliver the same to the assessor of the county for the succeeding fiscal year. List given to assessor.

SEC. 31. It shall be the duty of the assessor, in making out his assessment roll, to place in a separate column and against the name of every delinquent, the amount of his delinquent road tax, with fifty per cent. added thereto, to be collected at the same time and in the same manner as property taxes are collected, and placed to the road fund. Increase'd tax

SEC. 32. Whenever any contract for the improvement or alteration of roads, or the construction or repair of bridges, is to be made, advertisement thereof shall be given by the commissioner, by posting written notices in two of the most public Contracts to highest bidder.

places in the district where such improvement is to be made, and by advertisement thereof in one newspaper in the county, or if none be published in the county, by notice posted at the courthouse door, ten days prior to the letting of the contract; and all contracts shall be awarded to the lowest responsible bidder, subject to the approval of the board of supervisors; *Provided*, that the road commissioner shall have power to make contracts for the foregoing purposes, which shall not exceed the sum of fifty dollars; such contracts to be approved by the board of supervisors.

Penalties for obstruction, etc.

SEC. 33. If any person shall obstruct any public road, by felling any tree across the same, or by placing any other obstruction therein, or damming, digging, or deepening any creek or river, or its banks, so as to obstruct or destroy a ford or crossing, he shall be liable to prosecution before any justice of the peace, by any supervisor of the county, or by the road commissioner, and on conviction thereof, shall be fined in a sum not exceeding one hundred dollars, and shall forfeit five dollars for every day he shall suffer said obstruction to remain, after he shall have been ordered to remove the same by the road commissioner, or by the overseer of the district where such obstruction exists.

SEC. 34. If any person shall willfully destroy or injure any bridge, or cause-way, or remove or cause to be removed, any of the iron, plank, or timber, therefrom, or cut down or injure any tree planted, or growing as a shade-tree, in any public highway, or damage any highway by digging in the same, or shall travel upon any bridge at a faster rate than by order of the supervisors, as provided in the twenty-first section of this act he is allowed to do, he shall be liable to prosecution before any justice of the peace, on complaint of the road commissioner, or any supervisor, and on conviction thereof, shall be fined in a sum not to exceed two hundred dollars.

Fines paid.

SEC. 35. All fines collected under the provisions of this act, shall be paid into the county treasury, and shall be apportioned in the same manner as is provided in section twenty-one of this act.

Act repealed.

SEC. 36. All acts, and parts of acts, in any manner conflicting with the provisions of this act, are hereby repealed.

CHAP. CCCXVI.—*An Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act to provide for the protection of Foreigners and to define their Liabilities and Privileges, passed March thirteenth, one thousand eight hundred and fifty-three, passed May thirteenth, one thousand eight hundred and fifty-four, approved March fifth, one thousand eight hundred and fifty-seven.*

[Approved April 26, 1858.]

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

License for foreigners.

SECTION 1. No person not a citizen of the United States, or who shall not have declared his intention to become such prior to the passage of this act, according to law, (California Indians

excepted,) shall be allowed to take gold from the mines of this state, or hold a mining claim therein, unless he shall first procure and pay a license therefor, as hereinafter provided.

SEC. 2. Any person, or company, hiring foreigners, or interested with them as partners, or renting, or on shares, or in any manner connected with any foreigner, or foreigners, in working or in possession of any mining ground in this state, shall be held liable for the amount of license of each and every foreigner with whom such person, or company, is so connected, or interested. All mining ground, worked or possessed—all improvements, all tools, and machinery, used in working such ground, by said person, or company, shall be subject to sale for the payment of said license tax, in the manner provided in section seven of this act. The collector shall have power to require any person, or company, believed to be indebted to, or to have money, gold-dust, or property of any kind, belonging to, or in which any such foreigner is interested, in his or their possession, or under his or their control, to answer, under oath, as to such indebtedness, or the possession of such money, gold-dust, or other property. In case a party is indebted, or has possession or control of any moneys, gold-dust, or other property, as aforesaid, of such foreigner, or foreigners, he may collect from such party the amount of such license, and may require the delivery of such money, gold-dust, or property, as aforesaid; and in all cases the receipt of the collector to said party shall be a complete bar to any demand made against such party, or his legal representative, for the amounts of money, gold-dust, or property, embraced therein. Any person or company, hiring foreigners to work in the mines of this state, shall be liable for the amount of the licenses for each person so employed.

Employers
liable.

CHAP. CCCXVII.—*An Act to grant the right to open the Channel of Cache Creek from Clear Lake to the mouth of the Cañon, in Sacramento Valley.*

[Approved April 26, 1858.]

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

SECTION 1. John E. Fowler, N. E. Fowler, and William Fowler, Sen., together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the "act to provide for the formation of corporations for certain purposes," and shall adopt the name of the "Cache Creek Internal Improvement Company," and shall abide by and fulfill the further conditions hereinafter mentioned.

Right
granted.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to open the channel, and cut canals around the Falls of Cache Creek, from Clear Lake to the mouth of the cañon in Sacramento Valley, for rafting and other purposes, and have and enjoy all rights, privileges, and immunities thereunto appertaining; and shall have the right of way of said creek, and the

For 25 years.

- privilege of using the same for the purposes heretofore mentioned, which is hereby granted and ceded to said company for the term of twenty-five years; *Provided*, within one year from the date of the passage of this act, the said company shall commence the work of opening the channel of said creek, and within five years shall fully complete the same; otherwise the right to open the channel of said creek shall be forfeited, and this act become null and void.
- Proviso.
- Raft lumber. SEC. 3. Said company shall, at all times, keep said channel open, and in a condition that lumber can pass down without obstruction.
- Use of water. SEC. 4. Said company shall not hinder or debar any person or persons using the water of said creek for milling and other purposes; *Provided*, the person or persons so using the water shall keep open a channel sufficient for the purpose aforementioned.
- Tolls. SEC. 5. Any person or persons shall have the privilege of rafting down said stream, by paying to said company such tolls as the board of supervisors of Yolo county may fix.
- Obstruction. SEC. 6. Any person or persons who shall willfully obstruct the passage of said stream, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined not less than fifty, nor more than two hundred dollars, or be imprisoned in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment.

CHAP. CCCXVIII.—*An Act for the relief of Certain Parties.*

[Approved April 26, 1858.]

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

- Warrants to issue. SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant in favor of L. B. Curtis, J. Winkelman, A. N. Peterson, and Christopher Branstrom, for services as witnesses in a case where the state was a party, in the year one thousand eight hundred and fifty-seven, for the sum of thirty-five dollars and fifty cents, each; and the Treasurer of State is hereby authorized and directed to pay the same, out of any money in the treasury not otherwise appropriated.

CHAP. CCCXIX.—*An Act to amend section one of an Act entitled : an Act to provide Revenue for the Support of the Government of this State, from a tax to be levied and collected from Foreign and Inland Bills, and other matters, approved April twenty-ninth, one thousand eight hundred and fifty-seven.*

[Approved April 26, 1858.]

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

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

Section one—The following duty or stamp tax is hereby imposed on every sheet or piece of paper, parchment, or other material upon which may be written, printed, engraved, or lithographed, or other means of designation, on either of the following described instruments, to wit: Any bill of lading, contract, agreement, or obligation for the transportation or conveyance from any point or place in this state, to any point or place without the limits of this state, of any sum, amount, or quantity of gold or silver coin, in whole or in part, gold-dust, or gold, or silver, in bars or other form, by or between any person or persons, firm or firms, corporation or corporations, or other associations, either as principal or agent, or attorney, or consignee, or consignor, to wit: For one hundred dollars, thirty cents; and all sums over one hundred dollars a stamp tax or duty of one-fifth of one per cent. upon the amount or value thereof, the payment whereof to be included in the bill of lading, contract, or agreement, or obligation for the transportation or conveyance thereof, as in this section provided, having attached thereto, or stamped thereon, a stamp or stamps, expressing, in value, the amount of such tax duty; any license to practice, or certificate of admission of any attorney at law, granted by any court in this state, ten dollars; any policy of insurance, contract, or instrument in the nature thereof, upon any house, factory, machinery, ship, steamer, or vessel of any description, any goods, wares, or merchandise, or furniture, or any life insurance, if to run for one year or more, one-half of the duty levied on bills of lading, as herein provided, if for nine months and not more than twelve months, three-fourths of the rates last above established; if for six months and not over nine months, one-half of the above established rates; if for three months and not over six months, one-fourth of the above established rates. Any receipt for the payment for, or any contract, certificate, or memorandum or remuneration relative to the purchase of passage from this state to another place out of the limits thereof, upon any vessel or steamship—if for a first-class passage six dollars, and if for a second class passage four dollars, and if for a steerage passage two dollars; *Provided*, that nothing in this act shall be construed to effect, in any way, the official drafts or shipments of treasure at the offices of the United States or of this state.

CHAP. CCCXX.—*An Act to establish the Pay of Officers and Employees of the Senate and Assembly, and to repeal existing laws relating thereto.*

[Approved April 26, 1858.]

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

- Salaries :** SECTION 1. From and after the first day of January, A. D. one thousand eight hundred and fifty-nine, and until changed by law, there shall be paid to the several officers and employees, named herein, for services rendered under the provisions of this act, the following sums, and no more.
- Secretaries and ser-
geants.** SEC. 2. To the secretary of the Senate, the chief clerk of the Assembly, the sergeant-at-arms of the Senate and Assembly, each ten dollars per day. To the assistant secretary of the Senate, assistant clerk of the Assembly, the assistant sergeant-at-arms of the Senate and Assembly, each nine dollars per day. And it shall be the duty of the assistant sergeant-at-arms to perform the services of door-keeper of their respective Houses.
- Copying
clerks.** SEC. 3. To the engrossing clerk or clerks of the Senate and Assembly, at the rate of fifteen cents per folio. To the enrolling clerk or clerks of the Senate and Assembly, at the rate of twenty cents per folio. For all other copying, into the journals of the Senate and Assembly, or for the State Printer, or otherwise, (which said copying shall be performed under the supervision and direction of the secretary of the Senate, and the chief clerk of the Assembly, respectively,) the sum of twelve cents per folio, computing one hundred words to the folio.
- Audited.** SEC. 4. All copying done and performed under the preceding sections of this act, shall be audited, and certified to by the committee on public expenditures and accounts, of the Senate and Assembly, respectively, who shall report weekly, to the Senate and Assembly thereon.
- Clerks,
porters, and
pages.** SEC. 5. To committee clerks, eight dollars per day each. To each of the two porters of the Senate and three of the Assembly, five dollars per day. To each of the two pages of the Senate, and three of Assembly, three dollars per day.
- Take effect.** SEC. 6. This act shall take effect and be in force, from and after the first day of January, A. D. one thousand eight hundred and fifty-nine, at which said time all acts in conflict with the provisions of this act, shall be null and void.

CHAP. CCCXXI.—*An Act to audit and allow the Claim of Reuben S. Clark.*

[Approved April 26, 1858.]

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

SECTION 1. The claim of Reuben S. Clark, for plans, draw-

ings, and designs for a state capitol, under an act entitled an act to provide for the construction of a state capitol at Sacramento, the sum of three thousand dollars is hereby audited and allowed; *Provided*, said Clark shall deliver to the treasurer, Controller's warrants numbered from nine hundred and seventy-one, to nine hundred and ninety, inclusive, issued December fourth, one thousand eight hundred and fifty-six, to be canceled by said Treasurer, and the Controller and Secretary of State.

Claim
allowed.

CHAP. CCCXXII.—*An Act granting the Right of Way over certain lands of this State, in the Counties of San Francisco and San Mateo.*

[Approved April 26, 1858.]

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

SECTION 1. If D. S. Cook, Horace Hawes, S. M. Mezes, and their associates, shall organize under the incorporation laws of this state, relating to corporations formed for the construction and maintenance of plank or turnpike roads, and shall commence, and, within one year from the first day of May next, shall construct, a plank or turnpike road; from the south end or side of the Potrero Nuevo, in the city and county of San Francisco, over the most favorable ground, as near the bay of San Francisco as practicable, to intersect the present stage road from San Francisco to San José, at a point near the Fifteen-Mile House, in the county of San Mateo; the state hereby grants to such persons, and their assigns and successors in interest, the right of way, use, and occupancy, of the lands of this state, for the purposes of such road, not to exceed thirty-three feet in width from the centre, on each side of the same, for the period of twenty-years.

Right of way
granted.

Land
granted.

CHAP. CCCXXIII.—*An Act to authorize the sale of the Real Estate of the late William E. P. Hartnell, deceased.*

[Approved April 26, 1858.]

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

SECTION 1. That Maria Teresa de la Guerra, executrix of the last will and testament of William E. P. Hartnell, deceased, late of the county of Monterey, be and is hereby authorized to make such a disposition, or sale, public or private, and to convey such part, portion, or portions, of the real property belonging to the estate of the said William E. P. Hartnell, deceased, as may, in the discretion of the probate judge of the county of Monterey, seem meet and proper for the use and benefit of the executrix herein named, and for the maintenance of the children enumerated in the said last will and testament.

Auth'ized to
sell property.

Order of sale SEC. 2. Whenever the said probate judge shall, upon a hearing, either in term-time, or at chambers, and after such notice as he may order, either personal or by publication, deem it necessary and proper that a part, or the whole, of any such property may be sold for the purposes specified in this act, he may grant an order that the said Maria Teresa de la Guerra, executrix of the said last will and testament, be allowed and authorized to sell, and to convey at public or private sale, the whole or a part of any such property as aforesaid, particularly specifying the same.

Sureties. SEC. 3. The said probate judge may, before granting said order, require of said executrix such bond as to him may seem necessary and proper, with good and sufficient sureties conditioned for the faithful performance of her duties in the said sale, and that she will apply the proceeds of such sale as may afterwards be ordered by said judge.

Valid deeds. SEC. 4. Every conveyance made in pursuance of a decree or order of the probate court, as provided by this act, shall be as effectual to pass the estate as if the said William E. P. Hartnell were still living, and had himself executed the same.

CHAP. CCCXXIV.—*An Act supplementary to "An Act to provide for Funding the Outstanding Debt of the City of Oakland, and to prevent the creation of new debts by said city."*

[Approved April 26, 1858.]

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

Fund commissioners. SECTION 1. The city of Oakland is hereby authorized to fund its outstanding legal indebtedness not heretofore funded, arising prior to the first day of May, one thousand eight hundred and fifty-eight, not to exceed the sum of twenty thousand dollars; and for this purpose, the mayor of said city, and Artemas Davison and William Hillogass, residents of said city, shall constitute a board of commissioners, to be called the "Oakland Fund Commissioners," and as such, they, and their successors in office, shall have the powers, and perform the duties, hereinafter enumerated.

Officers. SEC. 2. The mayor shall be, *ex officio*, president of said board, and the board shall appoint one of its own members secretary. The secretary shall keep, in a bound book, a correct account of all the proceedings and transactions of the board. Their proceedings shall be public, and their books open to inspection. Any vacancy in the board, by death, resignation, removal from the city, failure to qualify, or otherwise, shall be filled by the common council. Before entering upon the discharge of their duties, said commissioners shall take the constitutional oath of office, and shall give bonds for the faithful discharge of their duties in such sum as the common council may prescribe.

Evidences of indebtedness. SEC. 3. The said commissioners shall have power to fund all the legal indebtedness of said city not heretofore funded, accrued prior to the first day of May, one thousand eight hundred and

fifty-eight, on presentation of the proper vouchers thereof, with the moneys accrued thereon, but they shall only receive as evidences of indebtedness, certified transcripts of judgments against said city, obtained in some court of competent jurisdiction, or warrants on the treasury of said city, or of the late town of Oakland, legally issued in accordance with the ordinances or resolutions of the common council of said city, or of the board of trustees of said town for the legal indebtedness of said town or city, or audited accounts, as authorized by section ten, of an act entitled "an act to provide for funding the outstanding debt of the city of Oakland, and to prevent the creation of new debts by said city," passed April thirtieth, one thousand eight hundred and fifty-five; but the aggregate amount so to be funded under this act, shall not exceed the sum of twenty thousand dollars, except as hereinafter provided in the fifth section of this act.

SEC. 4. The said commissioners shall cause to be prepared, at the expense of said city, and shall have power to issue, on behalf of said city, for the indebtedness aforesaid, bonds of the denomination of one hundred dollars and five hundred dollars each, with coupons for interest attached, which bonds shall be made payable at the treasurer's office in said city, on the first day of July, one thousand eight hundred and seventy-eight, and the interest on the same shall be made payable, by the treasurer of said city, semi-annually, on the first day of January and July of each year, on presentation of the respective coupons therefor; but the first coupons shall not be payable until the first day of January, one thousand eight hundred and fifty-nine. Said bonds shall draw interest from the date thereof, at the rate of seven per cent. per year. Every bond so issued shall be signed by the president and secretary of the board, and be authenticated by the corporate seal of the city of Oakland, and shall purport in substance, that the said city owes to the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. The coupons shall also be signed by the president and secretary of the board.

Bonds to issue.

Coupons.

SEC. 5. In addition to the bonds hereinbefore provided for, the said commissioners shall have power to issue bonds, in the form and manner, and subject to the guaranties hereinbefore prescribed, in exchange for any bonds heretofore issued under "an act to provide for funding the outstanding debt of the city of Oakland, and to prevent the creation of new debts by said city," passed April thirtieth, one thousand eight hundred and fifty-five; and all parties holding any such bonds shall be entitled, at their option, to surrender the same to be canceled, and to receive, in lieu thereof, new bonds under this act, for the amount of the bonds so surrendered and canceled, with the interest accrued thereon; *Provided*, that no bonds shall be issued under this act, except of the denominations hereinbefore mentioned.

Exchange for former bonds.

SEC. 6. In addition to the taxes authorized by law, the common council of the city of Oakland shall cause to be levied and collected, by tax upon the property within said city, annually, such sum as may be necessary to pay the interest on the bonds to be issued under this act, as an interest tax, which shall be devoted exclusively to the payment of the interest on the funded debt herein provided for, as the same shall fall due and become

Interest tax.

payable, and no money shall be paid out of the treasury, from the taxes of any year, until enough shall have been set apart for the payment of the interest, as aforesaid, for the ensuing year.

Compensation SEC. 7. The compensation of said commissioners, for the services required under this act, shall be such as may be fixed by the city council, not to exceed one hundred dollars each. The said commissioners shall proceed, without delay, to perform the duties enjoined by this act, and at the end of one year, or sooner, if their said duties shall have been previously performed, they shall deliver their books, papers, and accounts, to the city clerk, who shall preserve the same among the archives of said city. Any duties under this act remaining unfinished, shall devolve upon and be performed by the mayor and common council.

Tax for redemption.

SEC. 8. In each of the years one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, the common council of the city of Oakland, in addition to the other assessments authorized by law, shall cause to be raised by tax upon the property within said city, a sum equal to one-half the amount of the bonds to be issued under this act and then unredeemed, which shall be devoted exclusively to the payment and redemption of the said bonds as they fall due or may be presented for redemption.

Sinking fund

SEC. 9. Whenever there shall be any money in the treasury beyond the amount necessary to pay the interest on the funded debts as provided by law, in addition to the sum of the current expenses for that year, the common council shall set aside the same as a sinking fund for the redemption of the bonds provided for in this act, and in the act to which this is supplementary, and shall thereupon advertise for thirty days in some daily newspaper published in the city of San Francisco, for proposals to surrender such bonds as aforesaid, for redemption; also stating the amount of money appropriated for that purpose. At the expiration of the time specified in such advertisement, the common council shall open all the bids received, and shall accept the proposals most favorable to the city; *Provided*, that no bonds shall be redeemed at a rate higher than par, including principal and interest. All such bonds, when so redeemed, shall, with their respective coupons attached, be severally marked "canceled," and shall be filed and preserved in the office of the city treasurer.

Proposals to surrender.

Prohibition.

SEC. 10. From and after the first day of May, one thousand eight hundred and fifty-eight, the common council of the city of Oakland are prohibited from contracting any debt or liability beyond the amount of money at the time actually in the treasury and subject to their order, except for the purpose of maintaining free schools, or for maintaining or defending suits at law on behalf of said city, and any debt or liability contracted contrary to the provisions of this act, or agreement made purporting to contract such debt or liability, shall be absolutely void as against said city and the tax-payers thereof, but shall be valid and binding jointly and severally against the officers or persons making such contract, or creating such debt or liability.

CHAP. CCCXXV.—*An Act to audit the Claim of Pacific Express Company.*

[Approved April 26, 1858.]

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

SECTION 1. The claim of Pacific Express Company for ex-^{Claim} pressing for the Senate, in the year one thousand eight hundred ^{allowed.} and fifty-five, for the sum of seven hundred and thirty-six dollars and fifty-five cents, is hereby audited and allowed.

CHAP. CCCXXVI.—*An Act to amend an Act entitled an Act to regulate Fees in Office, in the County of Yuba, approved April twenty-eight, one thousand eight hundred and fifty-seven.*

[Approved April 26, 1858.]

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

SECTION 1. Section eight of said act is hereby amended so as ^{Summons.} to read as follows: For serving a summons and complaint, or any other process, by which an action or proceeding is commenced, on every defendant, two dollars. For traveling in making such service, per mile, in going only, to be computed in all cases, from the court-house of the county, forty cents; but when such service is made by a deputy or constable, then the mileage shall only be charged for the distance traveled to make such service, from the place where the papers to be served were received by such officer; *Provided*, that if any two or more papers, required to be served in the same suit, at the same time, one mileage only shall be charged. For taking bond, or undertaking, in any case in which he is authorized to take the same, one dollar. ^{Bond, writ, etc.} For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents. For serving every notice, rule, or order, one dollar. ^{Subpoena.} For serving a subpoena, for each witness summoned, fifty cents. For traveling, per mile, in serving each subpoena, or venire, in going only, (but when two or more witnesses or jurors live in the same direction traveling fees shall be charged only for the most distant,) forty cents. ^{Attachment.} For serving an attachment on property, for levying an execution or executing an order of arrest, or order for delivery of personal property, and with traveling, as on a summons, two dollars; but no traveling fee shall be allowed on such attachment, or order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon, created by law, two dollars. ^{Advertising.} For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to

include the cost of publication in newspaper, two dollars. For commissions for receiving and paying over money on execution or process, when land or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two and one-half per cent; and on all sums above that amount, one and one-half per cent. For commissions for receiving and paying over money on execution, without levy, or when the land or goods levied on shall not be sold, two per cent. on the first thousand dollars, and one per cent. on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing every sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, five dollars. For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars. For traveling, in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going, forty cents. For attending, when required, on any court, in person, or by deputy, for each day, to be paid out of the county treasury, five dollars. For bringing up a prisoner on *habeas corpus*, to testify or answer in any court, or for examination as to the cause of his arrest and detention, or to give bail, one dollar, and for traveling each mile from the jail, in going only, forty cents. He shall also be allowed such further compensation for his trouble and expenses in taking possession of property under attachment or execution, or other process, and of preserving the same, as the court, from which the writ or order may issue, shall certify to be just and reasonable.

Levy and sale.

Sheriff's deed.

Restitution.

Habeas corpus.

Inquest.

Death sentence.

Juries.

For holding each inquest, or trial of right of property, when required, to include all service in the matter except mileage, five dollars. For attending on Supreme Court, either in person, or by deputy, to be paid out of the state treasury as other claims, for each day, five dollars. For making every arrest in a criminal proceeding, three dollars. For serving each subpoena in criminal proceedings, fifty cents. For executing every sentence of death, twenty dollars. For summoning a grand jury of twenty-four, twelve dollars. For summoning each trial jury of twelve persons, six dollars; for each additional juror, fifty cents. For service of any process in criminal cases, for each mile necessarily traveled, forty cents, and the same mileage for taking prisoner before a magistrate or to prison. In serving subpoena or venire, in criminal cases, he shall receive mileage for the most distant only, where witnesses and jurors live in the same direction. For all service in justices' courts, the same fees as are allowed to constables in like cases.

CHAP. CCCXXVII.—*An Act authorizing Andrew P. Jackson to excavate and render navigable a certain Slough, in the County of Solano.*

[Approved April 26, 1858.]

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

SECTION 1. Andrew P. Jackson is hereby authorized and empowered to excavate, and dig out, in such a manner as to render navigable, a certain slough in the county of Solano, and in the north half of the south-west quarter of section number thirty-six, township five north, range two west, Mount Diablo base and meridian. Make slough navigable.

SEC. 2. When the said Andrew P. Jackson shall have so excavated, and rendered navigable, such slough, he, provided that he shall not disturb the navigation of said slough, shall be, or his assigns, authorized to charge and collect such rates of tolls and wharfage on all vessels navigating the same, as shall be allowed by the board of supervisors of Solano county. Rates of toll.

SEC. 3. The said Andrew P. Jackson, shall, at all times, keep said slough in good navigable condition, and shall keep the banks and landings in good order for the accommodation of all vessels using the same for the purpose of receiving and discharging freight. In repair.

CHAP. CCCXXVIII.—*An Act to grant the right to construct a Bridge across the American River at its mouth, to certain parties therein named.*

[Approved April 26, 1858.]

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

SECTION 1. Jonathan Williams, together with such associates as he may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that he, and his associates, shall incorporate themselves under the general laws of the state regulating corporations, and providing for the incorporations of bridge companies, and shall adopt the name of the American Bridge Company, and shall abide by and fulfill the further conditions hereinafter mentioned. Right granted to bridge co.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain a public toll-bridge across the American River, at or near the mouth of said river, where said Williams now has a ferry, and have and enjoy all rights, privileges, and immunities thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company for the term of twenty (20) years; *Provided*, that within one year from the date of the passage of this act, the said company shall commence the construc-

- Completion. tion of said bridge, and within two years shall build and fully complete the same, otherwise the right to construct the same shall be forfeited, and this act become null and void. Said company shall, at all times after its completion, keep said bridge in passable order and condition, and shall be responsible for any damage arising to persons or property crossing said bridge caused by neglect to keep said bridge in proper repair and condition. After the expiration of ten years from the completion of said bridge, the county of Sacramento may have the right to purchase the said bridge, at an appraised value, to be determined by five appraisers, two to be selected by the bridge company, two by the county aforesaid, and one to be selected by the four appraisers hereinbefore provided for; and such value shall be estimated to be the value of the bridge; *And provided, further*, that if the bridge be purchased by the county aforesaid, then the right to levy and collect tolls shall cease.
- Drawbridge. Sec. 3. The said bridge shall be constructed in a good and substantial manner, and of the most durable materials, and shall have a draw or opening of not less than sixty feet, to admit any vessel or steamboat that may wish to pass the same; and the said company shall, at all times, keep said draw or opening in a good working condition, and allow any vessel or steamboat to pass at any time they may wish. Said bridge company shall be liable for any damages that may accrue by neglect or inattention to the duties as prescribed, to be recovered by an action in any court of competent jurisdiction.
- Rates of toll. Sec. 4. The said company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll as the board of supervisors of Sacramento county may fix annually; *Provided*, the Legislature may, at all times, modify or change the rates so fixed by said board of supervisors, and may authorize the erection of other bridges across said river, at any point where public convenience may require.
- Speed in crossing. Sec. 5. Said company may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk, and for each violation, may recover judgment before any competent court, for any damage by said company, sustained by such travel, riding, or driving, exceeding the speed authorized by said company.
- Bulletin. Sec. 6. Said company shall keep, in some conspicuous place, at each end of the bridge, a bulletin-board, which shall contain the scale of prices and notice of speed allowed on said bridge.

CHAP. CCCXXIX.—*An Act amendatory of and supplementary to "An Act to reorganize and establish the County of San Mateo," approved April eighteenth, one thousand eight hundred and fifty-seven.*

[Approved April 26, 1858.]

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

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

Section fourteen—All taxes assessed upon real and personal property in said county, which may be paid on or before the third Monday of October in each year, shall be so paid directly to the treasurer of said county; all taxes that shall remain unpaid at such time, shall be collected by the sheriff of said county in the manner prescribed by law for the collection of delinquent taxes, and for the collection of which, he shall be entitled to charge and receive the amount fixed by law; *Provided*, the provisions of this section shall be held in abeyance to the provisions of section nine of an act entitled an act to provide revenue for the support of the government of this state, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

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

Section fifteen—All tax-payers of said county who shall pay the taxes assessed against them, for the current year, to the treasurer of said county, as provided in the preceding section, on or before the third Monday of October thereof, shall be entitled to retain, out of the amount so due for taxes, five per cent.

SEC. 3. This act shall take effect immediately.

Take effect.

CHAP. CCCXXX.—*An Act to repeal an Act entitled an Act to incorporate the Town of San Luis Obispo, approved February nineteenth, one thousand eight hundred and fifty-six.*

[Approved April 26, 1858.]

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

SECTION 1. An act to incorporate the town of San Luis Obispo, approved February nineteenth, one thousand eight hundred and fifty-six, be and the same is hereby repealed.

CHAP. CCCXXXI.—*An Act authorizing Andrew P. Jackson to construct a Wharf in Solano County*

[Approved April 26, 1858.]

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

Right
granted.

SECTION 1. Andrew P. Jackson is hereby authorized and empowered to construct a wharf on Suisun Slough, in Solano county, commencing at the mouth of a small slough, forming a branch of Suisun Slough, and which runs through the north half of the south-west quarter of section number thirty-six, township five north, range two west of Mount Diablo base and meridian, to the centre of Line street, as laid down on the map or plot of Jackson's Southern Addition to the town of Suisun city.

Wharf.

SEC. 2. The said Andrew P. Jackson shall build and construct the wharf hereby authorized, in a good and substantial manner, of sufficient strength and capacity to accommodate steamboats and other vessels navigating said waters; and he, or his assigns, shall be authorized to charge and collect such rates of wharfage as shall be allowed by the board of supervisors of Solano county.

CHAP. CCCXXXII.—*An Act to audit and allow the Claim of G. D. Bliss & Co.*

[Approved April 26, 1858.]

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

Claim
allowed.

SECTION 1. The claim of G. D. Bliss & Co., for beef furnished the state prison in the months of June, July, August, September, and October, one thousand eight hundred and fifty-five, the sum of three thousand six hundred and forty-eight dollars and thirty-eight cents, is hereby audited and allowed.

CHAP. CCCXXXIII.—*An Act authorizing the Governor, Controller, and Treasurer, to compromise Certain Judgments.*

[Approved April 26, 1858.]

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

Board of
commiss'rs.

SECTION 1. The Governor, Controller, and Treasurer, of the state of California, are hereby appointed a board of commissioners, to settle and adjust a judgment recovered by the People of the state of California against Henry Bates, late Treasurer of the state of California, and his sureties, Samuel Norris, P. L. Edwards, George O. Perry, Gilbert Griswold, and J. M. Rhodes, for the sum of one hundred thousand dollars, in the district court of the sixth judicial district of the state of California, held in and

for the bounty of Sacramento. Said commissioners are hereby empowered to inquire into the situation of the sureties of the said Bates; their pecuniary means and their abilities, and the probabilities of the people of the state being able, by compulsory means, to collect the judgment hereinbefore mentioned. And after making such inquiry, they are hereby authorized to make a settlement with the sureties in said judgment, and to grant them a full release from the operation of the same, upon their paying into the state treasury such sum as the said board, or any two members thereof, shall have determined was just and proper, and, under all the circumstances, most advantageous to the state. Settlement.

Sec. 2. The said sureties are hereby empowered and authorized to pay into the state treasury any sum which the said commissioners may have agreed upon as an adequate and proper sum to procure the release of said sureties, in cash, which amount, when so paid, shall operate as a full discharge of all liabilities, on the part of said sureties, to the state of California, on account of the judgment described in the first section of this act. Discharge.

Sec. 3. The State Treasurer is hereby authorized and required, on the payment to him of any amount of money as aforesaid, by or for the sureties aforementioned, to receive and place the same to the credit of the general fund, and to give his receipt therefor in duplicate to said sureties, one of which duplicate receipts shall be by said sureties filed with the board of commissioners. Receipt.

Sec. 4. Nothing in this act contained, and nothing hereby authorized to be done, shall in any manner operate to release the said Henry Bates from the said judgment, or any part thereof, not actually paid. Judgment.

CHAP. CCCXXXIV.—*An Act supplementary and amendatory to an Act entitled an Act to provide for the Incorporating of Railroad Companies, passed April twenty-second, one thousand eight hundred and fifty-three, and to the several acts amendatory and supplementary thereto.*

[Approved April 26, 1858.]

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

SECTION 1. It is hereby declared lawful for railroad companies or corporations already incorporated under the general railroad act, passed April twenty-second, one thousand eight hundred and fifty-three, or under any amendatory acts of such general act, to reincorporate and avail themselves of the act passed April eleventh, one thousand eight hundred and fifty-seven, and of the act passed April fourteenth, one thousand eight hundred and fifty-six, by filing with the Secretary of State new articles of association, subscribed by two-thirds in numbers, and also in amount, of the stockholders and stock issued by such company previous to the time that such new articles may be adopted; *Provided*, there is endorsed upon the said new articles Terms of re-incorporat'n

or attached thereto, an affidavit made by the secretary of the company that he is the acting secretary of such company, and that the names of two-thirds in numbers and amount of said stockholders, and stock issued previous to such new articles being adopted, are subscribed to said new articles of association at the date of such affidavit, which such affidavit shall be made before the county clerk of the county in which the office of the secretary of the company may be located.

Act repealed. SEC. 2. All acts or portions of acts, in conflict with this act, are hereby repealed.

CHAP. CCCXXXV.—*An Act to provide for the sale of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for school purposes, by Act of Congress, passed March third, A. D. one thousand eight hundred and fifty-three.*

[Approved April 26, 1858.]

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

Sale of school lands.

SECTION 1. In all Congressional townships in which there are fifteen white householders, the board of supervisors of the county shall have the right to sell the sixteenth and thirty-sixth sections of land donated by Congress to this state, for school purposes, or such land as has been, or may be selected in lieu thereof; upon the petition of a majority of such householders the board of supervisors of the county in which such land, or the greater portion thereof, is situated, shall make an order, a copy of which shall be furnished the sheriff, directing him to expose said lands for sale to the highest bidder, at the court-house door, during a regular term of the district court, at not less than two dollars per acre, having first given three months' notice in some newspaper published in the county, and posted notices of such sale, at three of the most public places in the township, describing the land, where situated, when and where to be sold, and if no newspaper be published in the county, by posting up like notices in the county, and three more in the townships as above-named, for the same length of time; said lands to be sold in lots not less than forty nor more than one hundred and sixty acres, unless in cases hereinafter provided for.

Price per acre.

Disposal of remainder.

SEC. 2. If, after such sale, any part of the land remains unsold, the sheriff of the county, if the board of supervisors deem it proper, and make an order to that effect, shall, once in each year, offer said lands for sale, by giving notice in the same manner as hereinafter provided.

Relinquish and exchange.

SEC. 3. Whenever the inhabitants of any Congressional township, may, by any law of Congress, acquire the right to relinquish their sixteenth or thirty-sixth sections, and select other lands in lieu thereof upon any of the unoccupied agricultural lands of this state, a majority of the voters of the township shall make known their intention to relinquish to the board of supervisors of the county, and said board shall authorize the commissioner of common schools of the county to make the selections, who shall

conform in all respects to the law of Congress giving the right; and if said lands be located in any other county, they shall be sold or managed as herein provided for the sale or management of the sixteenth or thirty-sixth sections, proper; the commissioner shall certify to the locating agent of his land district, the sections, or parts of sections, township, and range, of the lands relinquished, and the same of the lands selected in lieu thereof, together with the cause of the relinquishment of said lands, and by what county the lands are relinquished, and in what county selected in lieu thereof, and request said agent to make the location in the proper land office; and when the Governor of the state shall be notified of the approval of said location by the general government, he shall cause the same to be certified to the board of supervisors of the county for which such location was made. Approval.

SEC. 4. In case the sixteenth or thirty-sixth section be in the vicinity of a town or city, it shall be lawful, on the petition of two-thirds of the legal voters of the township in which the same is situated, for the board of supervisors to make an order authorizing the trustees of common schools of such township to cause such sixteenth or thirty-sixth section to be laid off in lots of a less size than forty acres, and to lay out such streets, and alleys, and roads, and to appropriate such portion thereof as they may deem necessary, for sites for school-houses, churches, and pleasure-grounds, and order the sheriff to sell the lots, as hereinbefore directed. Laid off in lots.

SEC. 5. In all cases where the sixteenth or thirty-sixth sections were settled upon and improved before the survey was made, the owner or owners of the same may purchase said lands at two dollars and fifty cents per acre, either by paying the money, or giving bonds, as hereinafter provided for; *Provided*, the authorities interested shall prefer the money to making another location. Sell to settlers.

SEC. 6. The purchaser shall, in all cases, give bond, with good and approved security, to be approved by the board of supervisors, payable five years after date to the county, for the use of the inhabitants of the township to which the land belonged, bearing interest at the rate of ten per cent. per annum from date, until paid, which bond shall be returned to the board of supervisors of the proper county, and by them deposited in the office of the treasurer of the county, and a duplicate thereof with the county auditor. Security.

SEC. 7. The interest on the bonds shall be paid, semi-annually, to the county treasurer, which interest, in case a school is organized and kept according to law in the township, shall be subject to the order of the superintendent of common schools for the county; but if no school is kept according to law, then said interest to be loaned out by the treasurer, secured by unincumbered real estate of at least treble the value of the money so loaned, in manner to be approved by the board of supervisors, which approval shall be entered in the minutes of their proceedings. Interests.

SEC. 8. The board of supervisors shall cause to be made out and certified to the Surveyor General, an abstract of all lands sold for their county as sixteenth and thirty-sixth sections, as Abstract of lands.

also an abstract of all lands relinquished and land selected in lieu thereof; and when the purchase-money, together with all interest due thereon, is paid, the board of supervisors shall make and certify, to the Secretary of State, a statement, showing the tracts of land for which payment has been made.

Certificate. SEC. 9. At the time of sale, the sheriff shall make and deliver to the purchaser, a certificate of purchase, describing the land sold, the number of acres, and the amount of purchase-money, and the manner in which payment is received; and such certificate, after full payment has been made, shall entitle the purchaser to a patent for the land.

Patents to issue. SEC. 10. Upon the receipt of the statement, mentioned in section eight of this act, by the Secretary of State, showing the lands paid for, and by him reported to the Governor, the Governor shall make out, in the name of the state, patents for said lands, and after having the same recorded by the Secretary of State, in a book to be kept for that purpose, shall forward the same to the board of supervisors of the proper county, to be by them delivered to the persons entitled thereto, upon the presentation and surrender of the original certificate, which shall be filed and kept by the board.

Purchase-money. SEC. 11. Patents issued by virtue of this act, shall be signed by the Governor, countersigned by the Secretary of State, and attested by the great seal of the state of California. A purchaser may pay the purchase-money at the time of sale, and entitle himself to a patent therefor as soon as the same can be issued, in which case, the amount of cash received shall be loaned out and secured in the same manner as provided in section seven for interest receipts.

Additional security. SEC. 12. Whenever the board of supervisors may deem the security for the payment of any bond for the purchase of any township school lands insufficient, they may require other and additional security, and upon failure to give such additional security, the contract shall be deemed void, and the board of supervisors shall further proceed to collect the amount due on account of such sale, as if no time had been given for the payment thereof; *Provided*, that said lands shall always be subject to a lien for the purchase-money and the interest thereon, until the whole amount thereof is fully paid.

Sales by sheriff. SEC. 13. The sheriffs of the respective counties in which any lands may be selected in lieu of those relinquished, shall sell such lands under the same regulations as are prescribed in the preceding sections of this act, said lands to be sold, however, only upon the order of the board of supervisors of the county for which the land is selected; and when said sheriff has sold the same according to the order, he shall take a bond, payable to the county, for the use and benefit of the inhabitants of the township for which the land was selected, with good and sufficient security, approved by the board of supervisors in the county where the land is situated, and transmit the same to the board of supervisors of the county to which it properly belongs.

Description. SEC. 14. In all cases where lands are selected and located in the land office of the district, the Surveyor General shall, immediately upon notice of such approval of such location by the general government, make out and certify to the recorders of each

county a certificate, showing the particular description of the land, by section, township, and range, the number of section, township, and range, and the county for which they were selected, which certificate shall be recorded by the recorder of such county, and a certified copy thereof shall be evidence in any court of record.

SEC. 15. All moneys arising from the sale of land under the provisions of this act shall be set apart as a permanent school fund, and the interest thereof only appropriated for the support and maintenance of common schools in the township to which the land belonged, from the sale of which the money accrued. School fund.

SEC. 16. The sheriff, treasurer, and recorder, shall receive such compensation for their services as may be allowed by the board of supervisors. Compensat'n

SEC. 17. If any person shall, after the United States surveys have been made, commit waste, trespass, or other injury, upon any school lands in this state, or upon any improvements thereon, the person so offending, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars. Trespass.

SEC. 18. All civil officers, upon information upon oath, or upon their own knowledge, shall cause any person committing any of the offences mentioned in the preceding section, to be brought before them by like process as in criminal cases, and to enter recognizance for their appearance at the court of sessions of the county, on the first day of the next term thereafter, and in default of recognizance, commit such person to the county jail until the next term of the court of sessions. Punishment.

SEC. 19. All fines, penalties, and forfeitures, accruing under the provisions of this act, shall be paid into the treasury of the county, for the use of the inhabitants of the township to which the land belonged, on which the waste, or trespass, was committed. Fines, etc.

SEC. 20. The district attorneys, within their respective counties, shall prosecute all suits for the recovery of moneys which are due on contracts made in pursuance of the provisions of this act. Suits.

SEC. 21. An act entitled an act to provide for the selections of lands donated to this state for the support of common schools, or for the erection of public buildings, or so much thereof as relates to the sixteenth and thirty-sixth sections of land, approved May fifth, one thousand eight hundred and fifty-five, is hereby repealed; *Provided*, that all selections of land, made under the provisions of that act, are hereby made valid and binding. Act repealed.

CHAP. CCCXXXVI.—*An Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds, and cancel certain Claims.*

[Approved April 25, 1858.]

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

SECTION 1. The treasurer of the city and county of San Francisco shall receive from the purchasers, or their assigns, in the manner hereinafter mentioned, any sum or sums remaining unpaid by said purchasers, or either of them, to the city of San Francisco, or to the city and county of San Francisco, to the use of said corporations for the real estate sold by said city of San Francisco, on the twenty-sixth day of December, one thousand eight hundred and fifty-three, by authority of ordinance numbered four hundred and eighty one, entitled "ordinance to provide for the sale of certain city property, approved December fifth, one thousand eight hundred and fifty-three," and the purchasers, or their assigns, may pay the said sum or sums remaining unpaid, as aforesaid, to said treasurer, in cash or in any judgments against said city; or in any bonds of said city, or of said city and county, which have heretofore been issued, or may hereafter be issued; or in any genuine city controller's warrants that may have been issued on or after the first day of May, one thousand eight hundred and fifty one; or in any three per cent. scrip issued by said city prior to the first day of May, one thousand eight hundred and fifty-one; *Provided*, said judgments or bonds have not been paid; *And provided*, said controller's warrants and said scrip have not been funded under any of the funding acts heretofore passed; *And provided, further*, that no judgments have been recovered on any of said warrants or scrip.

SEC. 2. All scrip, and controller's warrants, and other evidence of indebtedness paid to said treasurer under the provisions of this act, shall be by him canceled, and preserved among the archives of said city and county; and when judgments are paid to said treasurer, a certificate of cancellation thereof, duly acknowledged, shall be filed in the case, with the clerk of the court, and a copy thereof shall be retained by said treasurer, and filed with the archives of his office.

SEC. 3. The treasurer of the said city and county, upon the receipt of the amount due, in the manner specified in this act, or where the whole of the purchase-money has been paid, shall execute to the purchaser, or his assigns, a deed of bargain and sale, in the name of the city and county of San Francisco, of such lot or piece of land sold to him, or them, by the city of San Francisco, on the said twenty-sixth day of December, one thousand eight hundred and fifty-three, mentioned and described in ordinance four hundred and eighty-one, or any portion of said land, which deed shall convey the right, title, and interest, of the city of San Francisco, and of the city and county of San Francisco, and shall be deemed to vest in the purchaser, or his assigns, all the right, title, and interest, of said city, and city and county; and shall be *prima facie* evidence of the regularity of all

Payment of
balances.

Cancellation

Deed of sale.

the preliminary proceedings on the part of the city of San Francisco of the sale, and shall also be *prima facie* evidence of title and right of possession in the grantee, his heirs and assigns, as against said city, and city and county, upon which actions for the recovery and possession of real property, or for injuries thereto, may be maintained and defended in all the courts of this state having jurisdiction thereof; and the said treasurer shall be entitled to demand and receive from such purchasers the sum of five dollars for each and every deed executed under the provisions of this act. Fee.

SEC. 4. A copy from the record book of ordinances of the city of San Francisco remaining in the office of the clerk of the board of supervisors of the city and county of San Francisco, of ordinance number four hundred and eighty-one, to provide for the sale of certain city property, shall be received in evidence in all the courts, in any action or proceeding, without other proof; *Provided*, that the same shall be certified by the said clerk to be a true copy from the "record book of ordinances" of the city of San Francisco, remaining in his office. Copy of ordinance 481.

SEC. 5. Upon the execution and delivery of the deeds by the treasurer, as herein provided, the notes given by the purchasers shall be delivered up to be canceled. Notes canceled.

SEC. 6. The time for making payments and delivering the deeds under this act, is hereby limited to and including the first day of July, one thousand eight hundred and fifty-nine. Limitation.

SEC. 7. This act shall take effect immediately after its passage. Take effect.

CHAP. CCCXXXVII.—*An Act to provide for the sale of certain Property of the State of California, within the Water-Line Front of the City and County of San Francisco.*

[Approved April 26, 1858.]

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

SECTION 1. The Governor of the state is hereby authorized to enter upon and take possession of all that certain tract or piece of land in the city and county of San Francisco, bounded as follows, to wit: On the north, by the south line of Clay street; on the south, by the north line of Sacramento street; on the east, by the water-line front of the said city and county of San Francisco; and on the west, by Davis street. Boundaries.

SEC. 2. The said tract of land shall be divided or laid out into lots and streets, in exact conformity with a division and plan, or map thereof, made by J. J. Gardiner, surveyor, in December, one thousand eight hundred and fifty-three, and which plan, or map, is recorded in the office of the city and county recorder of the city and county of San Francisco, in map book number one, on page six. Laid out in lots.

SEC. 3. The Governor shall employ an auctioneer, and, as soon as possible, proceed to sell at public auction, in the city and county of San Francisco, all the right, title, and interest, of the state of California of, in, and to, all the said tract or property. Sell at public auction.

Such sale shall be made by lots laid out as hereinbefore provided, and only one lot shall be sold at one time. The terms of such sale shall be as follows: Cash, or the civil bonds of the state of California,—ten per cent. to be paid on the day of sale, and the balance, or remainder, in ten days thereafter, in default whereof the property shall be re-sold at the purchaser's expense, and on his account; *Provided*, that any person who has made payment, or payments, in cash, or in state indebtedness receivable for public dues by the state, of twenty-five per cent. of the price which he bid, for any of the lots hereinbefore mentioned, at a sale thereof made on the twenty-sixth day of December, one thousand eight hundred and fifty-three, by the city of San Francisco, or by the then mayor and a committee composed of persons who were then members of the common council of said city, shall have a credit to the extent of said twenty-five per cent. upon the purchase by him, at the sale authorized and directed by this act, of the same lot or lots, or upon which he has paid said twenty-five per cent.; *Provided, also*, that any person who has made payment of the price which he bid for any of the lots herein mentioned, at a sale made thereof on the tenth day of October, one thousand eight hundred and fifty-five, by the Governor of the state of California, the Controller of State, and Secretary of State, acting as a board of commissioners, shall have a credit for the price so paid by him to said commissioners, or the agent appointed by them, upon the purchase by him of the same lot, or lots, at the sale authorized and directed by this act, which he purchased at said sale on the tenth day of October, one thousand eight hundred and fifty-five. At least twenty days' notice of the sale shall be given, in three daily newspapers published in said city and county. The compensation of the auctioneer shall not exceed two per cent. on the gross sale.

Deed of sale. SEC. 4. As soon as any purchaser has complied with the terms of sale, the Governor shall make to the purchaser a conveyance by deed of bargain and sale, duly acknowledged, which deed shall be sealed with the seal of this state, and shall be *prima facie* evidence of the regularity of the sale, and of all previous proceedings by the Governor under this act, and shall be evidence of the title and right of possession in the grantee, his heirs and assigns, in all the courts of this state.

Expenses. SEC. 5. The Governor shall pay all the expenses of said sale out of the proceeds thereof, and pay over the balance, or remainder, into the state treasury.

Improvements. SEC. 6. Any buildings, structures, or improvements upon said lots, shall not be sold, and the owners thereof shall have thirty days after the sale authorized by this act, to remove or dispose of the same.

Streets. SEC. 7. All the streets within the said water-line front of said city and county of San Francisco, as laid down on the map called the official map of said city, and high-water mark, and all the streets mentioned and referred to in the act entitled "an act to provide for the disposition of certain property of the state of California," passed March twenty-sixth, one thousand eight hundred and fifty-one, to the full extent of said streets; and the streets, as laid down on the said map, or plat, made by J. J.

Gardiner, surveyor, hereinbefore mentioned, are hereby confirmed, established, and dedicated to the public use as streets.

SEC. 8. All acts and parts of acts, conflicting with this act, Act repealed. are hereby repealed.

CHAP. CCCXXXVIII.—*An Act to audit and allow the Claim of the late Hamilton Bowie.*

[Approved April 26, 1858.]

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

SECTION 1. The claim against the state, for ten thousand one hundred and eleven dollars, accruing on account of supplies furnished the state prison, by the late Hamilton Bowie, is hereby audited and allowed. Claim allowed.

SEC. 2. The Treasurer is hereby authorized and required to issue bonds in payment of the above audited amount, to the legal representatives or assigns of the said Bowie, upon an exhibition to said treasurer of a right and authority in such representative or assignee to any bond or bonds herein authorized to be issued for the claim so audited and allowed. Bonds to issue.

CHAP. CCCXXXIX.—*An Act for the relief of John C. Hays, late Sheriff of the County of San Francisco.*

[Approved April 26, 1858.]

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

SECTION 1. The sum of four thousand six hundred and seventy dollars and six cents, with interest thereon from the fifth day of March, one thousand eight hundred and fifty-three, being the just proportion of a certain judgment recovered against John C. Hays, in the circuit court of the United States, for the districts of California, northern district of said state, for state taxes, illegally collected by him, which should be paid by said state, is hereby assumed by the state of California. Judgment assumed.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer, in favor of John C. Hays, for said sum of four thousand six hundred and seventy dollars and six cents, with legal interest thereon from the fifth day of March, one thousand eight hundred and fifty-three, up to the time of the issuance of said warrant; and it shall be the duty of the State Treasurer to pay the same, out of any moneys in the state treasury, not otherwise appropriated. Warrants to issue.

SEC. 3. The sum of seven thousand five hundred dollars, is hereby appropriated to pay any warrant drawn in compliance with section second of this act. Money appropriated.

SEC. 4. The board of supervisors of the city and county of San Francisco, are hereby empowered to authorize and allow, and the auditor of said city and county to audit and allow to, and Supervisors to audit claim.

in favor of, said John C. Hays, the sum of seven thousand two hundred and fifty dollars, with legal interest thereon from the fifth day of March, one thousand eight hundred and fifty-three, being the just proportion of aforesaid judgment recovered against said John C. Hays, for county taxes, illegally collected by him, which should be paid by said city and county of San Francisco.

CHAP. CCCXL.—*An Act to audit and allow the Claim of Edward F. Beale, for Expenses incurred in the Settlement of Indian Difficulties in the year one thousand eight hundred and fifty-six.*

[Approved April 26, 1858.]

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

Claim
allowed.

SECTION 1. The claim of Edward F. Beale, for expenses incurred by him whilst engaged in the settlement of Indian difficulties, in the Tulare section of country, in the year one thousand eight hundred and fifty-six, by the orders of the Executive of this state, be and the same is hereby audited and allowed, to the amount of twelve hundred and forty-two dollars.

Reservation.

SEC. 2. Of the amount allowed in the foregoing section, five hundred dollars shall be issued, in a state bond, to J. Neely Johnson, or his assignee, being the amount advanced by said Johnson to E. F. Beale aforesaid, on the fifteenth of September, one thousand eight hundred and fifty-six, on account of said claim for expenses.

CHAP. CCCXLI.—*An Act to amend an Act entitled an Act to provide for the Incorporation of Railroad Companies, passed April twenty-two, one thousand eight hundred and fifty-three, and an Act amendatory thereof, passed April fourteenth, one thousand eight hundred and fifty-six.*

[Approved April 26, 1858.]

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

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

Directors to
be chosen.

Section eleven—As soon as practicable, not exceeding six months after such capital stock shall have been subscribed, the commissioners to receive subscriptions thereto shall distribute the same as aforesaid, shall appoint a time and place for a meeting of the stockholders to choose directors, select newspapers for the publication of notices, and transact other business. Such meeting shall be held in one of the counties in or through which such railroad is proposed to be constructed, and notice thereof shall be given by said commissioners, by public notice to be published not less than twenty days previous thereto, in two or more newspapers published in said counties, into, or through which, the said road is to run, if there are newspapers published in either of said counties; if not, in two or more newspapers pub-

lished in the next adjoining counties. Not less than five, nor more than thirteen directors, shall be chosen at such meeting by ballot, and by a majority of the votes of the stockholders, being present in person or by proxy; and every stockholder present in person or by proxy, at such election, or at any subsequent election, of directors, shall be entitled to give one vote for every share of stock which he shall have owned for thirty days next preceding such election; but no stockholder shall vote at any such election upon any stock, except such stock as he shall have owned for such thirty days. No person shall be a director, unless he shall be a stockholder, owning such stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. At least three of the directors shall, at the time of their election, be residents of either one of the said counties in or through which the said railroad shall run. The directors thus chosen shall be directors for one year, and until others are duly elected in their places. The commissioners mentioned in the last preceding section, shall be inspectors of the first election of directors, shall openly count the votes, and declare the result, and shall, within thirty days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of Secretary of State, and in the office of the clerk of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the treasurer of said company all moneys received by such commissioners on subscription to such capital stock not already paid over to the treasurer; and they shall also deliver to the directors, declared by them to be elected, all books and papers relating to such subscription, or belonging to said company, in possession of said commissioners. Subsequent elections shall be held annually, at such time and place, in one of the counties into or through which such railroad shall pass, as shall be directed by the by-laws of the company. In case it shall happen, at any time, that an election of directors shall not be made on the day designated by the by-laws of said company when it ought to have been made, the company, for that reason, shall not be dissolved, if, within ninety days thereafter, they shall hold an election for directors, in such manner as shall be provided by such by-laws. At all meetings of the stockholders, where two-thirds of all the shares that may have been previously subscribed, are represented in person or by proxy, those so representing the same shall constitute a quorum for the transaction of business. Should the commissioners fail to perform their several duties, as set forth in this and the foregoing sections, said commissioners, or any of them, may be removed by the board of directors, who may elect others in their places by a two-thirds vote of said board; notice of the meeting for such purpose having been first given by the secretary of the company, not less than ten days previous thereto, in one or more of the newspapers provided for in section five of the act to which this is amendatory.

One vote for each share.

Certificate of election.

Subsequent elections.

Meetings.

Public notice.

CHAP. CCCXLII.—*An Act to appropriate money for the erection of Additional Buildings and make other improvements to the State Asylum for the Insane.*

[Approved April 26, 1858.]

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

- Mad-houses, etc.** SECTION 1. That the sum of forty thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of erecting two mad-houses at the state asylum for the insane, at the city of Stockton, one of said houses to be devoted to the accommodation of male and the other to the female inmates of said asylum, and for necessary alterations and repairs to buildings already erected, and for enclosing certain portion of the grounds with a brick wall, and for such other improvements as the resident and visiting physicians of said asylum may deem necessary; *Provided*, that the cost thereof shall not exceed, in all, the sum herein appropriated.
- Plans and specifications.** SEC. 2. The superintendent and trustees shall cause plans and specifications of the foregoing enumerated improvements, and such other improvements as they may determine to erect, to be prepared by an architect, said architect to be appointed by the superintendent and trustees. The trustees of said asylum shall then advertise in one newspaper published in the cities of Stockton, San Francisco, and Sacramento, for sealed proposals for the furnishing of the materials and the erection of the buildings, according to the designs furnished by the architect, for the space of three weeks, the contract to be awarded to the lowest responsible bidder.
- Proposals for contract.**
- Sureties.** SEC. 3. The person or persons to whom the contract may be awarded, shall, within twenty days after such award, execute a bond to the trustees of said asylum in double the amount of the entire contract so awarded, payable to the people of the state of California, conditioned for the faithful performance of such contract within the time mentioned therein, and for any failure on the part of the contractor, or contractors, in the performance of such contract, it shall be the duty of the trustees to cause suit to be instituted on said bond against said contractor, or contractors, and their sureties.
- Architect.** SEC. 4. The architect provided to be appointed in section two of this act, together with the trustees, shall have the general superintendence of the aforementioned improvements, and shall make out monthly estimates of the value of materials furnished and labor performed, and the trustees shall, after deducting twenty per cent. from the gross amount, as an additional security for the faithful performance of the contract, certify to the Controller of State the said monthly estimate, who is hereby authorized and required to draw his warrant on the State Treasurer for the amount thereof.
- Estimates.**
- Salary.** SEC. 5. It shall be the duty of the superintendent and trustees to fix the amount of salary to be allowed the architect,

which salary shall be paid out of the appropriation provided for in this act.

CHAP. CCCXLIII.—*An Act to audit the Claim of J. Tyson.*

[Approved April 26, 1858.]

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

SECTION 1. The claim of J. Tyson, for transporting prisoners from the county seat of Siskiyou county to the state prison, in the year one thousand eight hundred and fifty-five, for the sum of seven hundred and eighteen dollars and seventy-five cents, is hereby audited and allowed. ^{Claim allowed.}

CHAP. CCCXLIV.—*An Act to audit the Claim of William Wright.*

[Approved April 26, 1858.]

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

SECTION 1. The claim of William Wright, for services as porter to the Supreme Court, from July first, eighteen hundred and fifty-five, to thirty-first of January, eighteen hundred and fifty-six, for twelve hundred and fifty dollars, is hereby audited and allowed. ^{Claim allowed.}

CHAP. CCCXLV.—*An Act making Additional Appropriations for Deficiencies in Appropriations heretofore made for the Pay of Officers and Clerks of the Senate for the ninth fiscal year.*

[Approved April 26, 1858.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated, out of any money in the treasury, not otherwise appropriated, for the pay of officers and clerks of the Senate, for the remainder of the ninth fiscal year. ^{Money appropriated}

CHAP. CCCXLVI.—*An Act to extend the Time for making the Assessment and Collection of Taxes in the County of Nevada.*

[Approved April 26, 1858.]

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

SECTION 1. The time for making the assessment and making

Time fixed. out the original assessment roll in the county of Nevada, is hereby extended to the first Monday in September, and all acts required to be done by the county assessor of said county, pertaining to the assessment roll on the first Monday of August, of this year, by virtue of an act entitled "an act to provide revenue for the support of the government of this state," approved April twenty-ninth, one thousand eight hundred and fifty-seven, shall be done on the first Monday of September. The board of equalization of said county shall meet on the second Monday in September, for the purpose of performing such duties as are required of them by said act as a board of equalization, and may continue in session for two weeks.

Board of equalization.

CHAP. CCCXLVII.—*An Act to pay the Treasurer of State, for extra services.*

[Approved April 26, 1858.]

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

Warrants to issue.

SECTION 1. The Controller of State is hereby authorized to draw his warrant on the Treasurer of State for the sum of twelve hundred dollars, out of any money in the treasury not otherwise appropriated, in favor of Thomas Findley, Treasurer of State, for extra service rendered in the issuance of state bonds.

CHAP. CCCXLVIII.—*An Act making Appropriations for the Support of the Civil Government of the State, for the tenth fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-eight, and ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine, inclusive.*

[Approved April 26, 1858.]

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

Moneys appropriated

SECTION 1. The following sums of money are hereby appropriated, out of any money in the treasury, not otherwise appropriated, for the objects hereinafter expressed, for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-eight, and ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine, inclusive :

Governor,

For salary of the Governor, six thousand dollars.

For rent of Governor's office, six hundred dollars.

For contingent expenses of the Governor's office, nine hundred dollars.

For special contingent fund of the Governor's office, to be drawn at his discretion, five thousand dollars.

Sec. of State,

For salary of Secretary of State, three thousand five hundred dollars.

For pay of clerks in the office of the Secretary of State, seven thousand two hundred dollars. Soc. of State,

For postage for the office of Secretary of State, twelve hundred dollars.

For contingent expenses of the office of the Secretary of State, twelve hundred dollars.

For salary of Controller, four thousand five hundred dollars. Controller,

For salary of clerks in the Controller's office, nine thousand six hundred dollars.

For contingent expenses of the Controller's office, twenty-five hundred dollars.

For expressage of the Controller's office, fifteen hundred dollars.

For salary of Treasurer, three thousand five hundred dollars. Treasurer,

For salary of clerks in the office of Treasurer of State, seven thousand two hundred dollars.

For contingent expenses of the office of the Treasurer of State, three thousand dollars.

For salary of State Superintendent of Public Instruction, three thousand five hundred dollars. Sup't of Instruction,

For contingent expenses of the office of the Superintendent of Public Instruction, fifteen hundred dollars.

For rent of office of the Superintendent of Public Instruction, five hundred dollars.

For salary of Surveyor General, two thousand dollars.

For contingent expenses of the office of Surveyor General, nine hundred dollars. Surveyor General,

For salary of draughtsman in the office of Surveyor General, twenty-four hundred dollars.

For rent of office of the Surveyor General, eight hundred and forty dollars.

For salary of Quartermaster General, two thousand dollars.

For contingent expenses of the office of Quartermaster General, three hundred and sixty dollars. Quarterm'r General,

For rent of office of Quartermaster General and state armory, twelve hundred dollars.

For salary of Attorney General, two thousand dollars.

For pay of clerk in the office of the Attorney General, one thousand dollars. Att'y Gen'l,

For contingent expenses of the office of Attorney General, six hundred dollars.

For rent of office of Attorney General, six hundred dollars.

For salary of the Secretary of State, as a member of the board of examiners, six hundred dollars. Board of examiners,

For salary of the Attorney General, as member of the board of examiners, six hundred dollars.

For salary of the private secretary of the Governor, as clerk of the board of examiners, six hundred dollars.

For compensation of experts for board of examiners, six hundred dollars.

For salaries of Justices of the Supreme Court, twenty-two thousand dollars. Supreme Court,

For contingent expenses of the Supreme Court, three thousand dollars.

- For rent of Supreme Court rooms, twenty-eight hundred dollars.
- Dis't Judges, For salary of district judges, seventy thousand dollars.
- Senate and Lt. Governor For per diem and mileage of Lieutenant Governor and senators, forty thousand dollars.
- For pay of officers and clerks of the Senate, fifteen thousand dollars.
- Members of Assembly, and others, For per diem and mileage of members of the Assembly, one hundred thousand dollars.
- For pay of officers and clerks of the Assembly, twenty-four thousand dollars.
- Contingent expenses of Legislature, For contingent expenses of the Senate, five thousand dollars.
- For contingent expenses of the Assembly, nine thousand dollars.
- For stationery, fuel, lights, etc., for the Legislature, ten thousand dollars.
- Private sec'y For salary of private secretary of the Governor, two thousand dollars.
- Printing, For printing, paper, and official advertisements, fifty thousand dollars.
- Insane asylum, For support of the state asylum for the insane, fifty-five thousand dollars.
- For salary of resident physician to the asylum for the insane, five thousand dollars.
- For salary of visiting physician to the asylum for the insane, three thousand dollars.
- State-house and state library, For rent of state-house, twelve thousand dollars.
- For rent of state library rooms, twelve hundred dollars.
- For contingent expenses of state library, six hundred dollars.
- Copying and indexing, For copying laws for State Printer, five hundred dollars.
- For marginal notes and index to Laws, three hundred dollars.
- For indexing Journals of the Legislature, eight hundred dollars.
- Translation, For the translation of the Laws into Spanish, one thousand five hundred dollars.
- Reporter, For salary of the reporter of the Supreme Court, four thousand dollars.
- Escaped convicts, For the expenses incurred by counties, of trying escaped convicts, two thousand dollars.
- Stamp act, For carrying out the provisions of the stamp act, three thousand dollars.
- Schools, For the support of common schools in this state, the sum of thirty-two thousand nine hundred and fifty dollars and forty cents, one-half thereof to be distributed semi-annually, as provided by law, for the distribution of school moneys, being the same amount due from the state to the school fund, for interest on receipts from the sales of school lands.
- Costs of suit, For costs of suits when the state is a party, to be expended under the direction of the Attorney General, fifteen hundred dollars.
- For the prosecution of delinquents, three thousand dollars.
- Land office, For salary of the Register of the land office, five hundred dollars.
- For salary of a clerk for the land office, twelve hundred dollars.

For contingent expenses for the land office, seven hundred dollars.

SEC. 2. The sum herein appropriated as a contingent fund of the Senate and Assembly, shall be disbursed under the direction of the body to which it may respectively belong, and shall not be subject to any of the provisions of an act for the better protection of the state treasury, approved April sixteenth, one thousand eight hundred and fifty-six. Disbursemt of cont'g'ts.

SEC. 3. The Controller of State shall not draw his warrants for the payment of any money out of the appropriations made by this act, until money for the payment of the same is in the state treasury, nor for the payment of any service done, or debt accrued, prior to the first day of July, A. D. one thousand eight hundred and fifty-eight. Warrants.

SEC. 4. The Controller shall draw his warrants for the payment of all claims entitled to be paid under the provisions of this act, in the order of the dates of said claims becoming due, and not otherwise. Date of claims.

SEC. 5. No officer allowed contingents under the provisions of this act, shall be permitted to contract any debts or liabilities beyond the amount herein appropriated. Limitation.

CHAP. CCCXLIX.—*An Act amendatory of and supplementary to an Act entitled "An Act amendatory of and supplementary to an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five, passed March twenty-eighth, one thousand eight hundred and fifty-seven.*

[Approved April 26, 1858.]

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

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

Section one—Section ten of said act, to establish, support, and regulate common schools, and to repeal former acts concerning the same, is hereby amended so as to read as follows: Section ten—Unless otherwise provided, by special law, a superintendent of common schools shall be elected in each county at the general elections, before the term of office of the present incumbents shall expire, and shall enter on the duties of his office on the first Monday of the month subsequent to his election. He shall hold office for two years, or until his successor is elected and qualified, and shall take the oath of office, and give official bond, in a sum to be fixed by the board of supervisors, which bond shall be in a sum not less than double the estimated amount of school moneys to come into the county treasury each year; *Provided*, that in the counties of Tuolumne, Stanislaus, Los Angeles, Monterey, Santa Cruz, Sonoma, the county clerk of each of said counties shall be *ex officio* superintendent of common schools for the county; *Provided*, that in the county of Sonoma, the county clerks of said county shall keep on file in their offices: *First*, the Superintendent elected. Oath and bonds. Counties excepted.

reports of the school trustees, marshals, and teachers, and record the same in a book to be kept for that purpose; and at the close of his term of office, to deliver the same to his successor in office.

Annual
report.

Second, To make a full report, in writing, annually, on or before the twentieth day of November, for the school year ending on the last day of October, next previous thereto, to the superintendent of public instruction; such report to include an abstract of all the various annual reports of the school trustees, marshals, and teachers, by this act required to be made to the county clerk. He shall, upon receiving notice from the county treasurer, as provided by this act, apportion the common school moneys in the county treasury, among the several school districts, in proportion to the number of children, as now provided for by law, and shall forthwith, in writing, notify the county treasurer and school trustees of each district of such apportionment, and it shall be the duty of the county treasurers of said counties, on receiving any common school moneys subject to distribution, to notify the county clerk of the amount thereof, and to pay over, on the warrants of the trustees of the school districts, duly endorsed by the person entitled to receive the same, the several amounts of school moneys to which each school district shall be entitled.

Apportion
the moneys.

Tax for addi-
tional term.

SEC. 2. The board of trustees of any school district in this state where a public school has been kept for the period of four consecutive months, or more, in the school year, and when there is not sufficient money in the county treasury to the credit of the school fund of said district, to defray one-half of the expenses of another term of said school, of four months duration, may, when in their judgment the same shall be advisable, call an election and submit to the qualified electors of said district, the question whether they will be taxed to pay the expense of an additional term of said school.

Notice of
election.

SEC. 3. Notice of said election shall be given by publication in some newspaper published in the county, if any be published therein, if not, then by posting in three of the most public places in said district, for twenty days next preceding said election, of the time and place of holding the same, and of the amount of money necessary to be raised to defray the expenses of said additional term, and of the rate of taxes necessary to be levied, and the length of the proposed term.

Form of
ballot.

SEC. 4. The voting at said election shall be by ballot, on which ballot shall be written or printed, the words, "Tax, yes," or "Tax, no;" and if a majority of the votes polled at such election shall be in favor of such tax, the board of trustees shall be empowered, and it is hereby made their duty to levy and cause to be collected, a special tax, at the rate specified in their notice on all the real and personal property in said district subject to taxation, which fund so raised shall be paid into the county treasury to the credit of said school district, and shall be applied to the payment of the expenses of said additional term, and to no other purpose whatever; *Provided, however*, that in case there should be a surplus remaining after the expenses of said term have been paid, the amount of such surplus shall be subject to the order of the board of trustees, as in other cases; *And provided*,

further, that any deficiency in said fund shall be raised by ratio bill, from those sending children to said school.

SEC. 5. Said board of trustees shall have power to appoint the judges and clerks of said election, and the assessor and collector of said tax; and said collector, before entering upon the discharge of his duties, shall take the oath of office, and shall give bonds in double the estimated amount of money to come into his hands, with good and sufficient sureties, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and when he shall have been so qualified he shall have the same power to enforce the collection of said tax as is given to sheriffs and tax collectors in the collection of state and county taxes. He shall receive as compensation, five per cent. of all the money collected by him, but no other compensation whatever; and the assessor shall be authorized to use, so far as the same may be practicable, the assessment list of the county assessor.

Collection of tax.

Per centage.

SEC. 6. The board of trustees of any school district which is not provided with a suitable school-house, and where one may be necessary, shall have power to call an election, after due notice, as provided for in section three; at which election, the question, whether or no, they will be taxed for the purpose of building a school-house, shall be submitted to the qualified electors of said district. Before calling said election, the trustees shall cause to be made, and shall decide upon, some plan for said school-house, with estimates of the expense necessary to be incurred in building same, and shall, in their notice of said election, state the amount of money required, the rate of tax necessary to be levied, and shall also state where the plan and specifications can be seen, which shall be in the most convenient and central place in said district.

To build a school-house.

SEC. 7. The voting at said election shall be in the same manner as provided for in section four, and if a majority of the votes then polled shall be in favor of a tax for said purpose, the board of trustees shall, in that case, be empowered and required to levy a tax at the rate specified in the notice of the election, on all the real and personal property in said district, subject to taxation, and cause the same to be collected and applied to the building of a school-house, according to the plan submitted by the people.

Tax levied.

SEC. 8. All the powers conferred upon the trustees, the assessor, and tax collector, in relation to the tax for school purposes, shall extend to the levying and collection of the last-mentioned tax.

Collection.

SEC. 9. The taxes herein authorized to be levied, shall not, in any case, be both levied in the same year; and the provisions of this act shall not apply to any incorporated city or town, except within the county of Sonoma.

In separate years.

SEC. 10. All acts, and parts of acts, in conflict, or inconsistent with the provisions of this act, are hereby repealed.

Act repealed.

CHAP. COCL.—*An Act to grant the right to construct and maintain a Bridge across the Feather River.*

[Approved April 26, 1858.]

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

- Truss bridge.** SECTION 1. Samuel J. Clark, Jr., and his assigns, are hereby authorized and empowered to construct and maintain a wire suspension, or truss bridge, across the Feather River, at any point or place thereon, between a point (20 rods) twenty rods south and a point (25 rods) twenty-five rods north of the south-west corner of that tract of land known upon the official map of the city of Marysville as the Pomeroy tract, and which said tract of land is situated in Yuba county, and is otherwise known as Pomeroy's Addition to the said city; and the right to construct and maintain said bridge across said river, at any point or place between said points, is hereby granted to the said Clark and his assigns for the period of twenty-one years from the passage of this act; and the said Clark and his assigns shall incorporate themselves under the general laws of this state regulating corporations, and providing for the incorporation of bridge companies, within the space of six (6) months from the passage of this act.
- Completion.** SEC. 2. The said Clark and his assigns shall commence the construction of the said bridge within one year from the passage of this act, and shall finally complete the same within two years; otherwise the right to construct the same shall be forfeited, and this act shall be absolutely void.
- Drawbridge.** SEC. 3. The said bridge shall be constructed upon the most approved plan, and of durable materials, and in a substantial manner, and shall have a draw, or opening, of at least (45) forty-five feet in width, which shall always be kept in good working order and condition; and the owners of said bridge shall employ a sufficient force, to be in constant attendance at said draw, or opening, for the purpose of allowing the uninterrupted navigation of the said river; and any damage that may accrue by reason of negligence, or inattention to the duties, as prescribed in this act, shall be at the cost of said bridge and its owners, to be recovered by an action in any court of competent jurisdiction.
- In repair.** SEC. 4. Said Clark and his assigns shall, at all times, keep said bridge, constructed under the provisions of this act, in good order and condition, and the said bridge and its owners shall be responsible for any damages arising to persons or property crossing said bridge, caused by neglect to keep the same in proper repair and condition.
- Rates of toll.** SEC. 5. Said Clark and his assigns shall have power to demand and collect of and from persons and property crossing said bridge, such rates of toll as shall be fixed by the board of supervisors of Yuba county; and it shall be the duty of said board of supervisors to fix and regulate, from time to time, the rate of tolls to be charged thereon.
- Bulletin.** SEC. 6. The rates of toll, as fixed by the said board of supervisors, shall be posted in a conspicuous place at each end of the said bridge, constructed under the provisions of this act.

CHAP. CCCLL.—*An Act to extend the terms of office of the Boards of Supervisors of certain Counties of this State.*

[Approved April 26, 1858.]

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

SECTION 1. The boards of supervisors of the counties of this state, shall, after the terms of office of the present incumbents expire, consist of three members, who shall hold their offices for three years, except as hereinafter provided. ^{Three supervisors.}

SEC. 2. At the next general election, there shall be elected, in each of the supervisor districts of the counties of this state, by the qualified electors thereof, one supervisor; the supervisor of the first district to go out of office at the expiration of one year; the supervisor of the second district to go out of office at the expiration of two years; and the supervisor of the third district to go out of office at the expiration of three years; so that after the next general election, there shall be annually elected one supervisor. ^{One supervisor annually.}

SEC. 3. Whenever it becomes necessary to elect a supervisor to fill any vacancy, occasioned by death, resignation, or any other cause, the person elected shall hold his office for the unexpired period for which his predecessor was elected. ^{Vacancy.}

SEC. 4. The board of supervisors of each of the counties of this state, where the supervisor districts have not been defined or laid out into districts, shall, on or before the next regular meeting of said board, in August, eighteen hundred and fifty-eight, district their several counties into three supervisor districts, with due regard to the amount of population and topography of said county, causing the said districts to contain, as nearly as possible, an equal amount of population, and declare and define the boundaries thereof, and they shall number the same, consecutively, from one to three. ^{Districts.}

SEC. 5. The board of supervisors, hereafter to be elected, shall have the power, at their regular meetings, to alter the bounds of the supervisor districts, if they think proper, and shall, in case the boundaries of their counties be changed, immediately re-district their counties in conformity with the provisions of section four of this act. ^{Re-district'd.}

SEC. 6. The supervisor filling the term nearest expiration, shall be chairman of said board; *Provided*, that in no instance shall this provision apply to a member of the board elected to fill a vacancy, unless each member composing said board shall have been elected to serve out an unexpired term. ^{Chairman.}

SEC. 7. Whenever any supervisor removes from the district for which he shall have been elected, his office shall be deemed vacant, and such vacancy shall be filled as provided by law. ^{Removal.}

SEC. 8. So much of an act entitled "an act to create a board of supervisors in the counties of this state, and define their duties and powers," approved March twentieth, one thousand eight hundred and fifty-five, as conflicts with the provisions of this act, is hereby repealed. ^{Act repealed.}

Counties
excepted.

SEC. 9. The provisions of this act shall not apply to the counties of Placer, Shasta, Trinity, Siskiyou, Tehama, Colusa, Stanislaus, Contra Costa, San Joaquin, Butte, Klamath, Humboldt, Del Norte, El Dorado, Sacramento, Santa Barbara, San Luis Obispo, San Bernardino, and the city and county of San Francisco, Mariposa, Tulare, Merced, Fresno, Alameda, San Mateo, Tuolumne, San Diego, and Los Angeles.

CHAP. CCCLII.—*An Act to provide for the Payment of the Debt of Humboldt County that existed upon the thirty-first day of December, A. D. one thousand eight hundred and fifty-seven.*

[Approved April 26, 1858.]

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

Special tax.

SECTION 1. The board of supervisors of Humboldt county are hereby authorized, in addition to the ordinary taxes for general county purposes, annually to levy and collect a tax of not less than twenty nor more than thirty-five cents upon each one hundred dollars' valuation of all taxable property in said county, until all the outstanding auditor's warrants of said county, dated prior to the first day of January, one thousand eight hundred and fifty-eight, shall be fully paid, both principal and interest; to be assessed, levied, and collected, at the same time and manner, and by the same officers, as the ordinary revenues of the county. Said special tax shall be called "the funding tax of Humboldt county;" and shall be collected and paid into the county treasury, in legal currency of the United States. The fund to be derived from said funding tax shall not be loaned in whole or in part to any other fund, nor shall any part thereof be paid out, except as hereinafter provided.

Payment of
warrants.

SEC. 2. All auditor's warrants of said county outstanding, dated prior to the first day of January, one thousand eight hundred and fifty-eight, shall be paid by the county treasurer, out of the fund created by said special funding tax, in the order of their registry, in accordance with existing laws concerning the office of county treasurer; and the county treasurer shall not pay said warrants from any other fund, except as herein provided. A full and particular account of said fund shall be kept by the treasurer, and shall at all times be open to the inspection of all citizens of the county; and when all of said warrants shall be paid and liquidated, any surplus remaining in said fund shall be transferred to and paid over by the treasurer into the general fund of said county.

Transfer of
funds.

SEC. 3. It shall be the duty of the treasurer of said county, on the first day of January of each year, to transfer to said fund created by this act, all moneys in his hands belonging to the general fund of said county, not otherwise appropriated by the board of supervisors, which moneys, when so transferred, shall thenceforth constitute a part of said special fund.

Exempt fr'm
execution.

SEC. 4. No moneys in the treasury of said county belonging to the general fund shall be liable to levy, on attachment or

execution, at the suit of any holder or owner of any auditor's warrants outstanding and unpaid, dated prior to the first day of January, one thousand eight hundred and fifty-eight.

CHAP. CCCLIII.—*An Act to provide for the Collection of Licenses of Billiard-Tables, Billiard and Drinking-Saloons, Restaurants, and Eating-Houses.*

[Approved April 26, 1858.]

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

SECTION 1. That for the purpose of collecting the revenue of ^{Licenses.} the state, and preventing the evasion of the license laws now in force upon the general statutes of California: All billiard-tables, bar-fixtures, and furniture, belonging to or in use for the purpose of carrying on the business of any billiard, drinking-saloon, restaurant, or eating-house, are held liable for the amount due for the license tax assessed on the same; and it is hereby expressly provided, that upon the failure of the parties keeping any such establishment, or exercising ownership therein, to pay the license of the same, in manner and form as provided by law, the tax collector of the county, town, or district, where such establishment may be located, or any properly authorized officer, whose duty it may be to enforce the collection of any such license, may seize any such billiard-table, bar-fixtures, saloon furniture, and such appurtenances, and shall proceed to sell, as upon execution at law, any such articles, or so much thereof as may be requisite for the payment of such tax or license as may be due and owing on account of the same.

SEC. 2. This act shall take effect from and after its passage, ^{Take effect.} and all acts, or parts of acts, in any wise conflicting with the same, are hereby repealed.

CHAP. CCCLIV.—*An Act to authorize the settlement of the Accounts of James M. Estell and John F. McCauley, arising out of State Prison matters.*

[Approved April 26, 1858.]

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

SECTION 1. The Governor, Controller, and Secretary of State, are hereby appointed and constituted a board of commissioners, ^{Board of commis'rs.} with power to examine, audit, and allow, any and all claims, legal or equitable, of James M. Estell and John F. McCauley, or either of them, against the state of California, arising out of any matter connected with the state prison, and for that purpose the said board of commissioners are hereby authorized to examine evidence, and to hear counsel, for or against any such claim; *Provided*, that this act shall in no wise apply to or affect the claim of

said John F. McCauley for two months and five days' expenses of keeping the said prison, from the twenty-sixth day of December, one thousand eight hundred and fifty-seven, to the second day of March, one thousand eight hundred and fifty-eight, for which he has preferred his claim against the state, amounting to twenty thousand dollars.

- Award final.** SEC. 2. The award of said board of commissioners, upon such examination, shall be final and conclusive between the state and the said Estell and McCauley, when the award of the said board of commissioners is made in writing, and filed with the Secretary of State, and thereupon it shall be the duty of the Controller to draw his warrant, or warrants, on the Treasurer, in favor of the said James M. Estell and John F. McCauley, or either of them, for the amount so awarded to them, or either of them; *Provided*, that both the said Estell and McCauley, before receiving any such warrant upon the Treasurer, shall execute and deliver to said board of commissioners full and complete release, or releases, of all claims, both legal and equitable, of them, or either of them, of every name and nature, against the state of California, arising out of, or connected with, the state prison, with the exception of the said claim of twenty thousand dollars aforesaid; *And provided, further*, that the said McCauley, or Estell, shall make a good and sufficient fee-simple title to the state, of the premises upon which the buildings stand, immediately in front of the east wall of the state prison, and are now in the possession of the authorities of the state, which shall also be a condition precedent to any payment under this act. And the said board of commissioners are hereby authorized and empowered to make any settlement or compromise with the said parties in reference to the possession of a claim to any property, real or personal, between the parties herein named.
- Proviso.**
- Compromise.**
- Report.** SEC. 3. The said board of commissioners shall make a full and complete report, in writing, of all their proceedings, and award, under this act, to the next Legislature, during the first week of its next session.
- Appropriat'n** SEC. 4. The sum of seventy-five thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and set aside for the payment of the sums awarded by said board, under the provisions of this act.
- Claims to be presented.** SEC. 5. It shall be the duty of all persons having any claim against the state, arising out of or connected with the state prison affairs, derived from, through, or under the said Estell or McCauley, to present their claims to the said board of commissioners, and any award, compromise, or settlement made by said board, pursuant to this act, shall include and cancel all such claims of the assignees of said James M. Estell and John F. McCauley, and all such claims shall thereafter be for ever barred and silenced.

CHAP. CCCLV.—*An Act granting certain powers to the Board of Education of the City and County of San Francisco.*

[Approved April 26, 1853.]

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

SECTION 1. R. W. Fishbourne, A. Edwards, A. Tansler, William Sherman, Samuel A. Chapin, Jonathan Hunt, William Pearson, E. B. Goddard, D. C. McRuer, F. Knox, George Seger, and J. Shade Dungan, now constituting the board of education of the city and county of San Francisco, and their successors in office, shall be, and are hereby constituted, trustees, with full power to hold in fee, in trust for said city and county, any and all real property, and to hold in trust any and all personal property that may have been acquired or that may hereafter be acquired, for the use and benefit of the school department of said city and county, by gift, bequest, demise, or purchase.

Board of education.

Created trustees.

SEC. 2. The said trustees shall be and are hereby empowered, in their discretion, to buy and lease, real and personal property for the use of said department, and good and valid deeds and conveyances thereof to accept and receive, whenever it may be necessary for the actual use of any public school of said city and county, now established, or that may hereafter be established; *Provided*, the lots to be purchased under the provisions of this section, do not exceed ten in number; and all conveyances, heretofore made to the said board of education, are hereby legalized and declared valid, and the property therein conveyed vested in the said trustees, in trust, as aforesaid.

Authorized to sell property.

SEC. 3. The said trustees, (whenever it may be necessary to secure a lot or lots, for the actual use of the said schools established, or to be established,) shall have power, with the consent of the board of supervisors of said city and county, to sell or exchange for other lots, the following lots, or any part thereof, now being the property of the said school department, to wit: Fifty-vara lot number three hundred and forty-five, on California street, between Powell and Mason streets; fifty-vara lot number four hundred and sixty-two, on the corner of Filbert and Kearny streets; fifty-vara lot number seven hundred and thirty-two, on the corner of Harrison and Fremont streets; one-half of one-hundred-vara lot number one hundred and twenty-eight, corner of Market and Fifth streets; one-hundred-vara lot number one hundred and seventy-four, corner of Harrison and Fourth streets, in said city and county, and good and valid deeds therefor to make and execute, and the proceeds of all such sales shall be applied, exclusively, to the purchase of other lots, or the erection of buildings, for the use of said school department.

Exch'ge and purchase.

SEC. 4. The board of education of said city and county shall, at all times, have power to alter, repair, or erect buildings for the use of the public schools, upon the land belonging to the said department, at such times and in such manner as they may deem proper and best for the interests of said school department; *Provided*, that all contracts for building, made by the said board of education, must be given to the lowest bidder thereof offering

Buildings.

adequate security, to be determined by said board, after due public notice, published for not less than five days in at least two daily newspapers of said city and county, and the entire expenditures of the said school department, for all purposes, shall not exceed the limit now prescribed by law therefor.

Valid deeds.

SEC. 5. The commissioners of the funded debt of the city of San Francisco, and their successors, or any three of them, shall be, and are hereby authorized, empowered, and required, to make, execute, and deliver to the said board of education, trustees as aforesaid, and in trust as hereinbefore provided, good and valid deeds and conveyances of all the right, title, and interest of the city, or city and county of San Francisco, and of the said fund commissioners, in and to all the lots heretofore set apart and granted by said commissioners, or said city, to and for the use of public schools, in said city and county, whenever said board of education shall request the same to be made out and delivered.

Hospital lot.

SEC. 6. The said board of education are hereby authorized and required to convey to the city and county of San Francisco the lot of land on the corner of Francisco and Stockton streets, being fifty-vara lot number six hundred and ninety-five, and now occupied for the use of a city and county hospital, together with all the buildings, and appurtenances, and good and valid deeds therefor to execute and deliver, and the same shall be and remain exempt from execution.

Revocation.

SEC. 7. This trust may, at any time, be revoked by the Legislature of this state.

Inapplicable.

SEC. 8. Subdivisions two and twenty-two, of section seventy-four and section sixty-nine, of article five of "an act to repeal the several charters of the city of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof," passed April nineteenth, one thousand eight hundred and fifty-six, are declared inapplicable to the board of education of said city and county, and to the property, real and personal, of the said school department.

CHAP. CCCLVI.—*An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California.*

[Approved April 26, 1858.]

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

State Registrar.

SECTION 1. That the Governor of the state be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a State Registrar, who shall hold his office at the capitol of the state, for the term of two years, or until his successor is qualified; who shall give bonds in the sum of four thousand dollars, for the faithful performance of his duties, which are regulated and defined as follows: He shall prepare and furnish to the county recorders of each county suitable blanks and books, prepared according to the following forms: *For Marriages*—Entries of the date, locality, name, surname, residence, and age, of the

Marriages.

respective parties, the place of nativity of the same, when the record was made, together with the name, place of residence, and official station of the person performing the marriage ceremony. *For Births*—Entries of the date and locality of the same, the name, sex, and color of the child, the names, nativity, color, and residence of the parents, and the date of the record. *For Divorces*—Entries of the date of the divorce, Christian and surnames, and residence of the parties obtaining the same, title of the court granting the divorce, and the name of the party making the application, the grounds upon which the divorce was granted, and the date when the record was made. *For Deaths*—Entries of the date, and name, sex, age, color, single or married, occupation, nativity, disease, or cause of death, place of interment, and date when the record was made. Accompanying these blank forms and books, which shall be uniform in size and pattern, the State Registrar shall furnish such instructions and explanations as he may deem necessary for the carrying out the provisions of this act.

SEC. 2. The State Registrar shall keep a record of all such returns as shall be made to him by the county recorders, as hereinafter provided, and shall file, or cause to be bound together, all such returns, for safe-keeping. He shall prepare therefrom an annual report, containing full tabular results, which shall render them of practical utility, to be submitted to the Governor on the first day of December of each year. He shall, also, perform whatever may be required of him to carry into practical effect the provisions of this act. His salary shall be one hundred dollars per month, payable out of the registration fund in the state treasury, and one-third of the amount of the fees paid the county recorders for the recording of marriages, births, deaths, and divorces, as herein provided for.

SEC. 3. It shall be the duty of all persons performing the ceremony of marriage, to enter in the office of the recorder of the county in which such marriage takes place, a record of every such marriage, in accordance with the provisions of the first section of this act; and it shall also be the duty of all parents, keepers and superintendents of prisons, alms-houses, hospitals, houses of correction, and other public and private institutions, and the commanding officer of every ship, or other vessel, to enter in like manner, at the office of the recorder of the county wherein a birth occurs, a record of the same, according to the provisions of the first section of this act. It shall likewise be the duty of every person having obtained a divorce, to enter in the office of the recorder of the county wherein such divorce is obtained, a record of such divorce, according to the provisions of the first section of this act. And it shall further be the duty of every sexton, or other person having charge of a burial, to enter in the office of the county recorder [of the county] wherein such burial is performed, a record of the death of every person so buried, according to the provisions of the first section of this act.

SEC. 4. Every party, on entering a record of marriage, birth, divorce, or death, shall pay to the county recorder, for making such entry, the sum of fifty cents; and every person neglecting to comply with the provisions of section three of this act within one month from the date of such marriage, birth, divorce, or

death, shall, on conviction thereof, be subject to a fine of not less than ten, nor more than one hundred dollars; one-half of which shall be paid into the registration fund, and the other half, to the person giving information of each neglect.

County
recorders.

SEC. 5. Every county recorder is hereby required to enter every record of marriage, birth, divorce, or death, according to instructions he may receive from the State Registrar, in books furnished him, to be retained as books of record in his office; and further, to prepare and transmit a duplicate of the same every three months, to the State Registrar, according to the provisions of this act. And every county recorder shall pay into the treasury of his county two-thirds of the amount of the fees received by him for the registries made in accordance with the provisions of this act, for the benefit of the registration fund; one-half of which said amount shall be paid to the State Registrar, retaining the remaining third as his fees for performing the service required in this act.

Treasurers.

SEC. 6. It shall be the duty of every county treasurer to keep a separate account of all moneys received, in accordance with the provisions of this act, and to pay over such moneys to the State Treasurer, at such times as he is required by law to make his payments.

Registration
fund.

SEC. 7. It shall be the duty of the State Treasurer to keep a separate account of the moneys received, in accordance with the provisions of this act, and to credit the same to the registration fund; out of which the State Treasurer is hereby required to pay the salary of the State Registrar hereinbefore provided for. The sum of five hundred dollars, of any money in the treasury not otherwise appropriated, is hereby set apart as a contingent fund, out of which the State Registrar shall be entitled to draw such sums as he shall deem necessary to carry out the requirements of this act; and it is hereby made the duty of the State Treasurer to restore from the registration fund, paid into the state treasury, by virtue of this act, the said sum of five hundred dollars, to the general fund.

Official seal.

SEC. 8. The State Registrar is hereby required to procure a seal of office, with which he shall authenticate all his official acts; and a certified copy, under said seal, of marriages, births, divorces, or deaths, as authorized by this act, attested by the State Registrar, shall be deemed *prima facie* evidence of the facts therein contained, in an[y] court of justice in this state, and the State Registrar shall be entitled to receive for each certified copy as aforesaid, the sum of one dollar.

CHAP. CCCLVII.—*An Act to provide for the payment of the Expenses incurred in the Survey of the boundary lines between the Counties of Tuolumne and Stanislaus, in the year one thousand eight hundred and fifty-four.*

[Approved April 26, 1858.]

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

SECTION 1. The claims of B. Catline, for the sum of two hundred and seventy dollars; of Robert Dickson, for one hundred and twenty dollars; of Henry Fixen, for one hundred and twenty dollars; of David S. McDowell, for one hundred and twenty dollars; and of Abiel Elkins, for seventy dollars, for services rendered in the month[s] of June and July, A. D. one thousand eight hundred and fifty-four, in surveying the boundary lines between the counties of Tuolumne and Stanislaus, are hereby audited and allowed.

Claims allowed.

CHAP. CCCLVIII.—*An Act for the better protection of Settlers on Public Lands, in this State, and to secure the rights of parties in certain cases.*

[Approved April 26, 1858.]

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

SECTION 1. Any party heretofore ousted, or who may be hereafter ousted, from the possession of any land, in an action at law, by any party claiming title thereto under any foreign grant, which grant shall be finally rejected, or shall be finally located, so as not to include such land, shall, and may, have his action in the proper court, against the party in whose favor the writ of restitution issued, and against the party in possession, to recover back the possession of any such land, with the rents, and profits thereof, from the time he was so ousted, till he shall be restored to the possession of the same, together with all costs and damages he may have sustained by reason of said action of ejection, as provided in section two of this act.

Redress of parties ousted.

SEC. 2. In any such action, if it shall appear that the plaintiff had been ousted by writ of restitution from such land in a former suit, wherein he had been defendant, that the party who sued out such writ claimed his title through a foreign grant, and that such grant had been finally rejected, or located so as not to include such land, such facts shall entitle the plaintiff to judgment in his favor, and a writ of restitution against the party in possession, with a several judgment, for all costs and damages sustained by such action of ejection, against the party by whom he was originally ousted, and for all rents, and profits, against each of the defendants, for the time each had been in

Damages.

possession of such premises, after the service of the writ of restitution, and such party plaintiff shall not be stopped in his suit by reason of the former judgment against him.

RESOLUTIONS.



JOINT AND CONCURRENT RESOLUTIONS.

NUMBER I.—*Concurrent Resolution relative to certain Mail-Routes in this State.*

[Passed January 20, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the early establishment of a mail-route and daily mail from Auburn, Placer county, to Nevada City, Nevada county, *via* English's Bridge and Grass Valley. Also, a tri-weekly mail from Sacramento City, *via* Yolo county, in Yolo county, to Cacheville, in Yolo county. And tri-weekly from Sacramento to Stockton, by the Telegraph Road.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to our senators and representatives in Congress, at as early a day as practicable.

NUMBER II.—*Concurrent Resolution relative to a Mail-Route from Marysville to Forest City, via North San Juan.*

[Passed January 19, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be, and are hereby, instructed, and our representatives requested, to secure the early establishment of a daily mail-route from Marysville, in Yuba county, to Forest City, in Sierra county, *via* North San Juan, in Nevada county.

NUMBER III.—*Concurrent Resolution relative to a Mail-Route from San Bernardino to Fort Yuma.*

[Passed January 20, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be instructed, and our representatives requested, to use their influence to secure the establishment of a weekly mail-route from the city of San Bernardino, *via* San Gorgona Pass and Couhuilla Valley to Fort Yuma, a distance of one hundred and fifty miles, to connect with the weekly route already established from Los Angeles to the said city of San Bernardino.

NUMBER IV.—*Concurrent Resolutions relative to the establishment of certain Mail-Routes in the northern part of this State.*

[Passed January 19, 1858.]

Counties of
Humboldt,
Klamath,
Mendocino,
and Sonoma.

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be, and they are hereby, instructed, and our representatives requested, to use their influence to procure the passage of a law establishing a mail-route, and a weekly service thereon, from the town of Union, in Humboldt county, *via* Hoopa Valley, to Orleans Bar, in Klamath county. Also, for a law establishing a mail-route, and a weekly service thereon, from the town of Union, *via* Eureka, Bucksport, Table Bluff, Bel River, Pacific Township, Bear River, and Mattole Valley, in Humboldt county, and Mendocino Mills, Albion, Ukiah, Russian River, Santa Rosa, and Petaluma, by land, and from thence to San Francisco, by water, and to procure a sufficient appropriation to render said mail service effective.

Resolved, That his excellency the Governor, be requested to forward a copy of the above resolution to each of our senators and representatives in Congress, and to the Postmaster General of the United States, at as early a day as practicable.

NUMBER V.—*Concurrent Resolution relative to a Territorial Government in Utah.*

[Passed January 28, 1858.]

Carson
Valley.

Resolved, By the Assembly, the Senate concurring herein, that in view of the impending difficulties in Utah, and fully impressed with the importance of a speedy organization of a territorial government in Carson Valley, our senators in Congress are hereby instructed, and our representatives earnestly requested, to procure the passage of an act securing the establishment of said territorial government, with such boundaries as circumstances may warrant and require.

NUMBER VI.—*Joint Resolution relative to donating Public Lands to Actual Settlers within the State of California.*

[Passed January 29, 1858.]

Preamble.

Whereas, The federal government holds a vast extent of public domain within the limits of this state, adapted to all the wants and requirements of civilized life, and now unoccupied and unproductive; *And whereas*, the wisdom of the policy of donating the public lands to actual settlers has been demonstrated in the territory of Oregon; *And whereas*, our isolated position, and the difficulties to be surmounted by the hardy emigrant in seeking a home on the shores of the Pacific, renders a liberal policy on the part of the general government expedient and proper; *And whereas*, our future prosperity and greatness, and the character and perpetuity of our institutions depend mainly

upon the number and permanency of our population, and the development of our agricultural as well as mineral resources :
Now, therefore,

Resolved, by the Senate and Assembly of the state of California, that our senators be, and they are hereby, instructed, and our representatives requested, to urge upon Congress the passage of a law, donating to each actual settler within the state of California, one hundred and sixty acres of any land now subject to settlement under the pre-emption laws of the United States ; *Provided, however*, that said donations shall not extend to mineral lands of this state, either surveyed or unsurveyed. Donating lands to settlers.

Resolved, That his excellency the Governor be requested to forward a copy of this preamble and resolution to each of our senators and representatives in Congress.

NUMBER VII.—*Concurrent Resolution.*

[Passed February 10, 1858.]

Resolved, by the Senate, the Assembly concurring, that his excellency, John B. Weller, the Secretary of State, and the Attorney General, who constitute the board of examiners, are hereby authorized to enter into contract with some competent workman or workmen, for the purpose of planning, constructing, and completing, all necessary works for the effectual protection of the treasury of the state, within the building and rooms at present occupied by the State Treasurer. Work on treasury.

NUMBER VIII.—*Concurrent Resolutions relative to the Sixteenth and Thirty-Sixth Sections of Land.*

[Passed February 8, 1856.]

Whereas, The mountain districts, and other portions of the state, are unsurveyed by the general government, by means of which said districts cannot avail themselves of the benefits of the donation of the sixteenth and thirty-sixth sections of land to each township, for school purposes therein, made by an act of Congress, passed March third, one thousand eight hundred and fifty-three ; *And whereas*, it is the plain intent and meaning of the law of Congress, that every township in this state shall be entitled to two sections of land for school purposes ; *And whereas*, said districts are densely populated by an industrious and enterprising people : Therefore, Preamble.

Resolved, By the Senate, the Assembly concurring, that our senators be instructed, and our representatives in Congress requested, to use their influence to secure an appropriation for the land district of California, that will enable the Surveyor General for this state to complete the surveys named in the preamble to these resolutions, as speedily as possible, and that they Appropriation prayed for.

take such other measures as will secure the speedy accomplishment of the desired object.

Locate two sections.

Resolved, That our senators be instructed, and our representatives in Congress requested, to secure, if possible, the passage of a law by Congress donating to, and authorize the inhabitants of, the townships of the mountain districts of this state, or any township not provided for with school lands, to locate two sections of land upon any of the unappropriated agricultural lands of this state.

Resolved, His Excellency, the Governor, be requested to furnish each of our delegation in Congress, and the Secretary of the Interior, with a copy of the above preamble and resolutions.

NUMBER IX.—*Joint Resolution asking Congress to cede to this State the Monterey Redoubt, for the purpose of establishing a Military Academy, or for other Educational Purposes.*

[Passed February 17, 1858.]

Monterey Redoubt.

Resolved, By the Senate and Assembly, that our senators in Congress be instructed, and our representatives requested, to urge upon Congress, by all means in their power, the cession of the buildings and grounds, situated at the port of Monterey, in this state, and known as the Monterey Redoubt, to the state of California, for the purpose of the establishment of a military academy, or for other educational purposes.

Resolved, That the Governor be requested to forward a copy of these resolutions to our senators and representatives in Congress.

NUMBER X.—*Joint Resolutions relative to the Transportation of the Mails between the Atlantic and Pacific Coasts.*

[Passed March 3, 1858.]

Contract with Cal. S. S. Co.

Resolved, By the Senate and Assembly, that we respectfully recommend to the favorable consideration of the United States Postmaster General, the proposals of the California Steamship Company for the transportation of the mails of the United States between San Francisco and the Atlantic ports, believing that a contract with said company will best promote the public service and the general interests of commerce, and believing, moreover, that the enterprise, while of great advantage to the state of California, will accomplish a general good by binding together more closely the divided sections of the Union, and that it is, for this reason, deserving the special encouragement of the federal government.

Oppose contract with Pacific Co.

Resolved, That our senators in Congress be instructed, and our representatives requested, to present the memorial hereto annexed, before Congress, and to lend their aid in preventing a renewal of the present contract with the Atlantic and Pacific Mail Steamship Companies, and to use their utmost endeavors to procure the letting of two distinct weekly mail contracts, on separate routes, to two distinct companies.

Resolved, That the Governor be requested to forward to each of our senators and representatives, a copy of the memorial and resolutions.

NUMBER XI.—*Concurrent Resolution asking Congress to establish a Weekly Land Mail-Route in certain Counties of this state, and to locate Post-Offices therein.*

[Passed March 2, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be instructed, and our representatives be requested, to use all means in their power to procure the establishment of a weekly land mail-route, between San Juan, in Monterey county, and Los Angeles, in Los Angeles county, and the location of post-offices at Soledad and San Antonia, in said county of Monterey; and at San Miguel, in San Luis Obispo county, and that the Governor be requested to forward a copy of this resolution to our senators and representatives in Congress.

Monterey,
Los Angeles,
and San Luis
Obispo.

NUMBER XII.—*Concurrent Resolutions asking of Congress a donation of five per cent. upon the sale of Public Lands for School purposes.*

[Passed March 11, 1858.]

Whereas, It has been the policy of the federal government to donate to the states, on their admission into the Union, a percentage upon the sales of public lands within their territories, for state purposes, in consideration of their exempting such lands from taxation, which policy was departed from [on] the admission of California, although such exemption was secured: Therefore,

Preamble.

Resolved, By the Assembly, the Senate concurring, that we do respectfully ask of Congress the passage of an act donating to the state of California five per cent. upon the sales of all public lands in the state, to be exclusively appropriated to school purposes.

Per centage
on sale of
lands.

Resolved, That our senators be instructed, and our representatives requested, to use their influence to secure the passage of such act.

Resolved, That the Governor be requested to transmit a copy of these resolutions, together with a copy of the accompanying communication from the Superintendent of Public Instruction, to our senators and representatives in Congress.

NUMBER XIII.—*Concurrent Resolution relative to the admission of Kansas.*

[Passed March 17, 1858.]

Whereas, The people of the territory of Kansas did, on the seventh day of November, one thousand eight hundred and fifty-

Preamble.

seven, by a convention assembled for that purpose, form for themselves a constitution and state government, which constitution and state government so formed, is republican; *And whereas*, the said constitution has been submitted to the Congress of the United States, with the view of the admission of Kansas into the Union as an independent state: Therefore,

Admission
of Kansas.

Resolved, By the Assembly, the Senate concurring, that our senators be instructed, and our representatives requested, to vote for the immediate admission of the territory of Kansas into the Union, on an equal footing with the original states in all respects whatever.

Resolved, That the Governor be, and he is hereby, requested to transmit copies of these resolutions to our senators and representatives in Congress.

NUMBER XIV.—*Assembly Concurrent Resolution.*

[Passed March 28, 1858.]

Segregation
of lands.

Whereas, The interests of the people of this state imperatively require that all private land claims shall be immediately segregated from the public domain, and such unsurveyed domain opened to settlement. Therefore,

Preliminary
survey of
private lands

Resolved, by the Assembly, the Senate concurring, That our senators in Congress be, and they are hereby, instructed, and our representatives requested, to urge upon Congress the passage of a law authorizing the United States Surveyor General for this state, to survey, as soon as possible, all private grants to lands, whether confirmed or unconfirmed, that in the event of a final decree of confirmation of such grant, such preliminary survey, so to be made, be adopted as final, unless good cause be shown to the contrary. Also, to survey all public lands adjacent to such private grants, and so to amend the pre-emption laws as to open all such public lands to settlement. And, also, that the state of California may be authorized, at her own cost, to segregate from the United States domain the swamp and overflowed lands granted to her by acts of Congress; she taking reliable testimony, under oath, and furnishing maps of the same to the proper department at Washington.

Public lands

Swamp land

Resolved, That his Excellency the Governor be, and he is hereby, requested to forward copies of this preamble and resolution to each of our senators and representatives in Congress.

NUMBER XV.—*Joint Resolution relative to Swamp Lands.*

[Passed March 31, 1858.]

Swamp land

Resolved, By the Senate and Assembly of the State of California, that the Surveyor General of this state be, and he is hereby, instructed, before the May sales of land shall commence, to transmit to the several land offices in this state, all information he

may at the time have in his office, showing that any of the lands in their respective districts offered for sale are swamp and overflowed, with a request that they be withdrawn from market, as contemplated in the proclamation of the President.

NUMBER XVI.—*Concurrent Resolution.*

[Passed March 11, 1858.]

Whereas, The Hon. Justin S. Morrill, of Vermont, has introduced into the House of Representatives of the United States a bill for the endowment and maintenance of a college in each state and territory, by donating to each state and territory a portion of the public lands, which college to be dedicated and devoted to instructions in such branches of education as pertain to agriculture, mechanical arts, and natural history: Therefore, be it,

Lands for
state college.

Resolved, By the Senate, the Assembly concurring, that our senators be instructed, and our representatives in Congress requested, to use all honorable exertion necessary to the passing of the aforementioned bill into a law; and be it, further,

Law
requested.

Resolved, That his Excellency the Governor, be requested to forward to our senators and representatives each a copy of these resolutions.

NUMBER XVII.—*Concurrent Resolution relative to Break-water at San Luis Obispo.*

[Passed April 7, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be instructed, and our representatives be requested, to urge upon Congress to make an appropriation to build and construct a break-water at the port of San Luis Obispo, in this state.

Break-water.

Resolved, That the Governor be requested to forward a copy of these resolutions to each of our senators and representatives.

NUMBER XVIII.—*Concurrent Resolution directing the Enrolling Clerk of Assembly to amend Section Six of Assembly Bill Number Two Hundred and Fifteen.*

[Passed April 13, 1858.]

Resolved, By the Assembly, the Senate concurring, that the enrolling clerk of the Assembly is hereby directed to strike from the twenty-sixth line of the sixth section, the words "of one," of Assembly bill number two hundred and fifteen, entitled an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March twenty-seventh, one thousand eight hundred and fifty-seven.

Bill amend'd

NUMBER XIX.—*Joint Resolution in relation to the Release of J. M. Ainsa, an American Citizen, in Sonora, Mexico.*

[Passed April 14, 1858.]

American
citizen in
captivity.

Whereas, J. M. Ainsa, an American citizen, pursuing a peaceful occupation on American soil, was, on the night of the tenth or eleventh of April, one thousand eight hundred and fifty-seven, arrested by an armed band of Mexicans, at the store of Messrs. Belknap & Dunbar, in the Gadsden Purchase, and conducted thence a prisoner, in chains, to Hermosillo, and thence to the port of Guaymas, in Sonora, where he has since been detained a captive; *And whereas*, it is the duty of the American government, at all times and under all circumstances, to protect the lives and property of its citizens: Therefore,

Release
prayed for.

Resolved, That the Governor of California be instructed, and he is hereby authorized, to communicate with the President of the United States, setting forth these facts, and such other testimony as may be furnished him in the premises, and requesting that officer to use the power of the general government, so far as he is enabled, to effect the release of the said Ainsa, and his restoration to all the rights and immunities of which he was possessed before said arrest and imprisonment.

Resolved, That the Governor be requested to forward copies of these resolutions to the President of the United States, and each of our senators and representatives in Congress.

NUMBER XX.—*Concurrent Resolution directing the Enrolling Clerk of the Assembly to amend the amendment to section three, of Assembly bill number thirty-seven.*

[Passed April 16, 1858.]

Bill amend'd

Resolved, By the Assembly, the Senate concurring, that the enrolling clerk of the Assembly be, and he is hereby, instructed to amend the amendment to section three, of Assembly bill number thirty-seven, an act to provide for the funding and payment of the outstanding unfunded claims against the city and county of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, by striking out the word "special," in the twenty-fifth line of said amendment to section three, and inserting in lieu thereof, "general."

NUMBER XXI.—*Concurrent Resolution relative to Boundary Line between the State of California, and Territory of Utah.*

[Passed April 12, 1858.]

Indefinite
boundary
line.

Whereas, In consequence of the fact that the boundary line between the state of California and the territory of Utah has not been definitely surveyed, and conflicting claims exist as to

jurisdiction over certain territory, and its inhabitants near said line : Therefore, be it,

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be instructed, and our representatives requested, to use their influence to procure the appointment at an early day, of a commissioner on the part of the federal government, to act in conjunction with a commissioner on the part of the state of California, in ascertaining and determining said boundary line, such line to conform to that established by the constitution of the state of California. Commission to determine

Resolved, That his Excellency the Governor, be requested to forward copies of this resolution to our senators and representatives.

NUMBER XXII.—*Concurrent Resolution relative to Weekly Mail by Ocean Steamers, from San Francisco to San Diego, via Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Diego, by the nearest and best route, to New Orleans.*

[Passed April 14, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be, and they are hereby, instructed, and our representatives be requested, to use their influence to procure a weekly mail by ocean steamer from San Francisco to San Diego, via Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Diego, by the nearest and best route, to New Orleans. San Fran'co and New Orleans.

Resolved, That his Excellency the Governor, be requested to transmit a copy of these resolutions to each of our senators and representatives in Congress.

NUMBER XXIII.—*Concurrent Resolution.*

[Passed April 16, 1858.]

Whereas, The Secretary of State, and also the county clerk of the county of Monterey, have in their possession a large number of the old Mexican and California archives, which convenience requires to be transferred to the custody of the United States Surveyor General for California, to be kept by him with the documents of a like character, now under his control : Therefore, be it, Mexican and Californian archives.

Resolved, By the Senate, the Assembly concurring, that the Secretary of State, and also the clerk of the county of Monterey, be, and they are hereby, authorized and directed, to deliver over to James W. Mandeville, United States Surveyor General for California, all such Spanish or Mexican archives (whether printed or written in the Spanish language) as they may have in their possession, which are necessary and proper to be handed over, they first taking a receipt from the said Mandeville for all documents delivered, together with an abstract of them. Transferred to office of Surveyor General.

Expense. *Resolved, further,* That the expense incurred by such delivery be paid by the Treasurer of State, upon the demand of the Secretary of State, and also upon demand of the county clerk of the county of Monterey, out of the contingent library fund; *Provided,* that such expense shall not exceed the sum of one hundred dollars for all services that may be rendered under these resolutions; *Provided, further,* that the clerk of Monterey county shall retain in his possession all documents that properly belong to the ex-prefecture of Monterey.

NUMBER XXIV.—*Concurrent Resolution relative to Removal of Indians.*

[Passed April 19, 1858.]

Removal of Indians by superintendent of Indian affairs. *Resolved, By* the Assembly, the Senate concurring, that the superintendent of Indian Affairs for the state of California, upon the request of the board of supervisors of any county within this state, be requested to remove from the limits of such county the Indians remaining therein, to some suitable reservation.

Forwarded. *Resolved,* That a copy of the above resolution be forwarded to the honorable Thomas J. Henley, superintendent of Indian affairs, by the Secretary of State.

NUMBER XXV.—*Concurrent Resolution relative to the passage of a Law, by Congress, making appropriation for the Payment of Bonds authorized to be issued for the Payment of Indian Hostilities.*

[Passed April 17, 1858.]

Bonds for Indian hostilities. *Resolved, By* the Assembly of the state of California, the Senate concurring, that our senators be instructed, and representatives in Congress requested, to use their influence to procure the passage of a law making an appropriation sufficient for the payment of the bonds authorized to be issued, by this state, for the suppression of Indian hostilities within her bounds, for the payment of which no provision has been made, and of the expenses incident thereto.

Statement. *Resolved,* That the Governor of this state be, and he is hereby, requested to furnish our senators and representatives in Congress with a statement of the amount of such bonds authorized to be issued under any law of this state, and the incidental expenses connected therewith, and, also, copies of these resolutions.

NUMBER XXVI.—*Joint Resolutions instructing our Senators, and requesting our Representatives, to have American Consuls established at the Ports of Guaymas, Mazatlan, Manzanillo, and La Paz.*

[Passed April 20, 1858.]

Preamble. *Whereas,* The states and territory bordering on the Gulf of California, and being the outlet, on the Pacific side, for the productions

raised therein, together with the states of Chihuahua, and Durango, are at present without any commercial and consular representative of the American government, owing to the inadequacy of salaries, and the want of that necessary protection which the United States ought to afford her consular agents: Guaymas, Mazatlan, La Paz, and Manzanillo, are the commercial ports of this important section of the Mexican republic, in close proximity with the territory of the state of California and New Mexico. The importance of having commercial representatives at these points must be apparent to all, in view of the fact that the trade between San Francisco and these ports is annually augmenting in value. It is a notorious fact, that within the past few years, the American vice consuls at La Paz and Mazatlan have been imprisoned, and treated with contempt, and the persons of American citizens outraged, in an unbecoming manner. The rights of Americans residing in these countries, in consequence of this state of things, have been trampled on, and their lives put in jeopardy, while their property has been confiscated without the shadow of right. The absence of American naval vessels has emboldened Mexican officials to act with impunity towards American citizens. The summary dismissal of the American commercial agent at La Paz, and the trampling in the dust the American flag, as well as the violence perpetrated against the late vice consul of the United States, at Mazatlan, by which he was imprisoned, on a paltry pretence, thereby causing him to strike his consular flag, are outrages of recent occurrence and fresh in the minds of the American people. The case is different with the British government, owing to the fact that the vessels-of-war under their flag, make two or three visits annually, to these ports, thus effectually guarding the persons, property, and interests, of the subjects of that realm. If proper consuls are selected for the ports upon the Gulf of California, and an American man-of-war be detailed to make one or two visits a year to the same, it will have a powerful influence upon the action of Mexican officials, and will materially serve to increase the American trade and commerce between these ports and our own. A better understanding will be established with the Mexican people, our rights will be respected, and, as far as those ports are concerned, a thorough change in the commercial relations be inaugurated between the two countries: Therefore, in view of these, and other important facts, bearing upon this question, be it,

Ports devoid
of consular
representa-
tives.

Consuls
maltreated.

Absence of
naval vessels

Imprisonm't
of consuls.

Men-of-war
to visit.

Resolved, By the people of the state of California, represented in Senate and Assembly, that our senators in Congress be instructed, and our representatives requested, to use their exertions to procure the passage of a law, by the Congress of the United States, to procure the establishment of full American consulships at the ports of Guaymas, Mazatlan, La Paz, and Manzanillo; and that salaries commensurate with the rates of living, and sufficient to maintain the honor and dignity of the American government at these ports, be attached to the same.

Guaymas,
Mazatlan,
La Paz, and
Manzanillo.

Resolved, That our senators in Congress be instructed, and our representatives requested, to urge upon the Secretary of the Navy

Two annual
visits by a
man-of-war.

the propriety and necessity of ordering an American vessel-of-war to make at least two visits annually to the ports of Guaymas, Mazatlan, La Paz, and Manzanillo, for the protection of American commerce, and the rights and interests of American citizens.

Forward
copies.

Resolved, That the Governor be requested to transmit to our Senators and representatives in Congress a copy of the foregoing preamble and resolutions, and similar copies to the President of the United States and the Secretary of the Navy.

NUMBER XXVII.—*Concurrent Resolution relative to collecting of Delinquent Dues from Auctioneers, throughout this State.*

[Passed April 22, 1858.]

Auction dues

Resolved, By the Assembly, the Senate concurring, that the board of examiners are hereby authorized to adopt all necessary and proper measures for ascertaining and collecting all moneys due the state from auctioneers of San Francisco, Sacramento, Stockton, Marysville, and other cities in this state; and for this purpose, the said board of examiners are hereby empowered to send for persons and papers, and to employ, if they deem it necessary, counsel to assist the Attorney General in the prosecution of any suits which may be instituted for the collection of said auction dues.

NUMBER XXVIII.—*Concurrent Resolution Relative to Printing and Distribution of Certain Laws in Spanish.*

[Adopted April 12, 1858.]

Laws in the
Spanish lan-
guage out of
print, to be
collated and
printed.

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be directed to cause to be printed in the Spanish language, two hundred and forty copies of laws and portions of laws mentioned in the annexed schedule, for distribution, according to law, and that he be further directed to distribute such extra copies of the statutes in Spanish, of the years one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-five, one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven, as may be in his possession, exceeding the number of fifty copies each, in a *pro rata* number, in accordance with laws now in force for such distribution, *And further*, that the Secretary of State is hereby authorized and directed to contract with Miguel Smith, agent of the estate of W. E. P. Hartnell, deceased, for the translations and indexes required for the publication of said laws mentioned in said annexed schedule, at a rate not to exceed fifty cents per folio, to be paid out of the fund for translation of laws, under the direction of the board of examiners.

Translation.

SCHEDULE OF LAWS OF 1850 AND 1851, NOW IN FORCE.

[Taken from Wood's Digest.]

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" " " " " " - -	547	548	
" " " " " " - -	555	555	
" " " " " " - -	560	560	
" " " " " " - -	570	571	
" " " " " " - -	573	573	
" " " " " " - -	577	578	
" " " " " " - -	607	607	
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JOINT AND CONCURRENT RESOLUTIONS.

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printed in
Spanish.

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"	"	-	-	-	-	762	764
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Civil Practice, (§§ 36 and 37 of 773,)	-	-	-	-	-	774	777 § 42
"	"	-	-	-	-	778	779
"	"	-	-	-	-	781	783
"	"	-	-	-	-	785	797
"	"	-	-	-	-	800	800
"	"	-	-	-	-	803	805
"	"	-	-	-	-	808	817
"	"	-	-	-	-	819	834
"	"	-	-	-	-	837	843
"	"	-	-	-	-	845	853
"	"	-	-	-	-	856	861
"	"	-	-	-	-	863	869
"	"	-	-	-	-	873	875
"	"	-	-	-	-	877	877
"	"	-	-	-	-	879	887
"	"	-	-	-	-	888	906
"	"	-	-	-	-	909	909
"	"	-	-	-	-	911	932 § 197
"	"	-	-	-	-	933	950
"	"	-	-	-	-	952	952
"	"	-	-	-	-	954	972
"	"	-	-	-	-	974	997
"	"	-	-	-	-	999	1022
"	"	-	-	-	-	1024	1066
"	"	-	-	-	-	1068	1069
"	"	-	-	-	-	1071	1072
"	"	-	-	-	-	1074	1076
"	"	-	-	-	-	1078	1079
"	"	-	-	-	-	1082	1088
"	"	-	-	-	-	1090	1090
"	"	-	-	-	-	1092	1092
"	"	-	-	-	-	1098	1098
"	"	-	-	-	-	1103	1126 § 391
"	"	-	-	-	-	1129	1135
"	"	-	-	-	-	1137	1155
"	"	-	-	-	-	1157	1181
"	"	-	-	-	-	1183	1186
"	"	-	-	-	-	1188	1225
"	"	-	-	-	-	1228	1233 § 504
"	"	-	-	-	-	1234	1237
"	"	-	-	-	-	1239	1242
"	"	-	-	-	-	1244	1245
"	"	-	-	-	-	1246	1261
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"	"	-	-	-	-	1271	1303
"	"	-	-	-	-	1305	1308

TITLE OF LAW.		FROM ARTICLE.	TO ARTICLE.
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"	" - - - - -	1336	1350
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"	" - - - - -	1712	1724
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"	" - - - - -	1726	1850
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"	" (§ 5 of 1877) - - - - -	1877	1877
"	" - - - - -	1879	1885
"	" - - - - -	1886	1887
"	" - - - - -	1888	1899
"	" (part of art. 1900) - - - - -	1902	1903
"	" - - - - -	1905	1905
"	" - - - - -	1908	1908
"	" - - - - -	1910	1912
"	" - - - - -	1918	1918
"	" - - - - -	1923	1926
"	" - - - - -	1928	1935
"	" - - - - -	1938	1942
"	" - - - - -	1845	1966
"	" - - - - -	1968	1976
"	" (§ 153 of 2294) - - - - -	1978	1997
"	" - - - - -	1999	2000
"	" - - - - -	2002	2002
"	" - - - - -	2009	2014
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"	" - - - - -	2132	2143
"	" - - - - -	§ 29	§ 29
"	" - - - - -	2145	2158
"	" - - - - -	§ 57	§ 57
"	" - - - - -	2159	2159
"	" - - - - -	§ 60	§ 60
"	" - - - - -	2162	2165
"	" - - - - -	2169	2169
"	" - - - - -	2171	2200
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§ 12
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“ “ - - -	2232	2232 § 23
“ “ (§ 25 of 2233) - - -	2233	2233
“ “ - - -	2234	2249
“ “ (§§ 53 and 54 of 2250) - - -	2250	2250
“ “ - - -	2251	2257 § 72
“ “ (§ 74 of 2257) - - -	2257	2257
“ “ (§ 75) - - -	2258	2258
“ “ - - -	§ 77	§ 77
“ “ - - -	2259	2262
“ “ (§§ 89 and 90 of 2263) - - -	2263	2263
“ “ - - -	2264	2294 § 151
“ “ - - -	§ 153	§ 153
“ “ - - -	2295	2302 § 170
“ “ - - -	§ 173	§ 173
“ “ - - -	2304	2352 § 293
“ “ - - -	2359	2362
“ “ - - -	2367	2383 § 49
Ferries and Toll-Bridges, - - -	2509	2516
Forcible Entry and Unlawful Detainer, - - -	2525	2535 § 16
“ “ “ “ - - -	2536	2538
Habeas Corpus, - - -	2549	2559 § 28
“ “ - - -	2561	2563 § 41
Homestead, - - -	2580	2590
Husband and Wife, - - -	2595	2602 § 8
“ “ - - -	2603	2611
“ “ - - -	2613	2614
“ “ - - -	2616	2623
“ “ - - -	2632	2634
“ “ - - -	2636	2639
Indians, - - -	2642	2645
“ - - -	2647	2654
“ - - -	2656	2656 § 17
“ - - -	2657	2657 § 20
Insurance Companies, - - -	2683	2694 § 10
Judges of the Plains, - - -	2695	2696 § 6
“ “ (§ 8 of 2697) - - -	2697	2697
“ “ - - -	2698	2698 § 10
Land, - - -	2728	2731 § 6
Library, State, - - -	2784	2790
Marks and Brands, - - -	2812	2812 § 2
“ “ (§§ 4 and 5 of 2813) - - -	2813	2813
“ “ - - -	2814	2817 § 13
Militia, - - -	2833	2833
Money, of account and interest, - - -	2836	2838 § 3
Navigable Rivers, - - -	2840	2842 § 2
Office, - - -	2852	2862
“ - - -	2864	2883 § 44
“ (§§ 46, 48 and 49) - - -	2883	2883
“ - - -	2894	2895 § 4

TITLE OF LAW.	FROM ARTICLE.	TO ARTICLE.	
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“ “ - - - -	§ 3	§ 3	
“ “ - - - -	2906	2910	§ 18
Passengers, - - - -	2921	2921	§ 2
Prisoners, - - - -	2953	2955	§ 6
Recorder, County, - - - -	2989	2989	§ 2
“ “ (§§ 4 and 5, 2990) - - - -	2990	2990	
“ “ - - - -	2991	2993	§ 14
“ “ - - - -	2994	2998	§ 32
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“ - - - -	3174	3177	§ 10
Sheriff, - - - -	3235	3257	§ 38
“ - - - -	§ 40	§ 40	
“ - - - -	3259	3271	
“ - - - -	§ 56	§ 56	
“ - - - -	§ 58	§ 58	
“ - - - -	3274	3274	§ 60
Steam Navigation Companies, - - - -	3294	3305	
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Surveyor, - - - -	3337	3337	§ 4
“ - - - -	3341	3341	§ 6
“ - - - -	3342	3360	
Treasurer, State, - - - -	3390	3390	
“ “ - - - -	3392	3400	
Treasurer, County, - - - -	3417	3427	
“ “ - - - -	3430	3435	
Water Companies, - - - -	3468	3493	
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NUMBER XXIX.—*Concurrent Resolution relative to a Weekly Mail from Weaverville via the Mouth of Cañon Creek, to Cañon City, in Trinity County.*

[Passed March 3, 1858.]

Resolved, By the Assembly, the Senate concurring, that our senators be instructed, and our representatives in Congress requested, to use their influence to procure a weekly mail from Weaverville, *via* the mouth of Cañon Creek, to Cañon City, in Trinity county; also, to establish a post-route from Sacramento City, by the way of Washington, Putah, Vacaville, Suisun, Cordelia, Napa City, Sonoma, Petaluma, and other intermediate post-offices, to Santa Rosa, in Sonoma county, and to provide for a tri-weekly mail service thereon; also, a post-route from San Francisco, San Rafael, in Marin county, with a daily service

Various mail-routes.

Marin co'nty thereon; and from San Francisco to Berry and Tomales, in Marin county, with a semi-weekly service thereon.

Forward
to Congress. *Resolved,* That his Excellency, the Governor, be requested to forward copies of this resolution to our senators and representatives in Congress.